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सं. 1] नई दिल्ली, दिसम्बर 27, 2009—जनवरी 2, 2010, शनिवार/पौष 6—पौष 12, 1931
No. 1] NEW DELHI, DECEMBER 27, 2009—JANUARY 2, 2010, SATURDAY/PAUSA 6—PAUSA 12, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 26 नवम्बर, 2009

का.आ. 1.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री मंदर महेश गोस्वामी, अधिवक्ता को लोक अभियोजक और निम्नलिखित अधिवक्ताओं को, मुंबई उच्च न्यायालय में भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय द्वारा या उसके विरुद्ध सभी दांडिक मामलों का, जिनके अंतर्गत दांडिक रिट याचिकाएं, दांडिक अपीलें, दांडिक पुनरीक्षण, दांडिक निर्देश और दांडिक आवेदन भी हैं, संचालन करने के प्रयोजन के लिए इस शर्त के अधीन रहते हुए कि उक्त अधिवक्ता लोक अभियोजक के रूप में अपनी नियुक्ति की अवधि के दौरान भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय के विरुद्ध ऊपर निर्देशित किसी दांडिक मामले में मुंबई उच्च न्यायालय में उपसंजात नहीं होंगे, तत्काल प्रभाव से तीन वर्ष की अवधि के

लिए या अगले आदेश तक, इनमें से जो भी पूर्वतर हो, अपर लोक अभियोजक नियुक्त करती है :—

1. श्री दीपक एन. साल्वी
2. श्रीमती पूर्णिमा एच. कंधारिया
3. श्री अजय श्रीकान्त गडकरी
4. श्री संदीप काशीनाथ शिंदे
5. सुश्री उषा विनोद केजरीवाल
6. श्री मिलिंद शामराव सावंत
7. श्रीमती रिबेका गोंसलवेज
8. श्रीश्याम मेहता
9. श्री योगेश मोरेश्वर नखवा
10. श्री जितेन्द्र आर सोलंकी
11. श्री धैर्यशील ए. नलवादे

[सं. एफ 23(2)/2009-न्यायिक]

एम. एस. तारिक, सहायक विधि सलाहकार

MINISTRY OF LAW AND JUSTICE**(Department of Legal Affairs)**

New Delhi, the 26th November, 2009

S.O. 1.—In exercise of the powers conferred by sub-section (1) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Mandar Mahesh Goswami, Advocate as Public Prosecutor and the following Advocates as Additional Public Prosecutors for the purpose of conducting all criminal cases including criminal writ petitions, criminal appeals, criminal revisions, criminal references and criminal applications by or against the Union of India or any Department or Office of the Central Government, in the High Court of Judicature at Mumbai, with effect from the date of publication of this notification in the Official Gazette, for a period of three years or until further orders, whichever is earlier, subject to the condition that the said advocates shall not appear against the Union of India or any Department or Office of the Central Government in any criminal case referred to above, in the High Court of Judicature at Mumbai during the period of their appointment :—

1. Shri Deepak N. Salvi
2. Smt. Purnima H. Kantharia
3. Shri Ajey Shrikant Gadkari
4. Shri Sandeep Kashinath Shinde
5. Ms. Usha Vinod Kejariwal
6. Shri Milind Shamrao Sawant
7. Smt. Rebecca Gonsalvez
8. Shri Shyam Mehta
9. Shri Yogesh Morshwar Nakhwa
10. Shri Jitendra R. Solanki
11. Shri Dhairyasheel A. Nalvade

[F. No. 23(2)/2009-Judl.]

M. S. TARIQ, Assistant Legal Adviser

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 22 दिसम्बर, 2009

का.आ. 2.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उन निम्नलिखित

अपराधों को विनिर्दिष्ट करती है जिनका अन्वेषण दिल्ली विशेष पुलिस स्थापना द्वारा किया जाना है; नामत् :—

(क) मध्य प्रदेश डकैती और व्यपहरण प्रभावित क्षेत्र अधिनियम, 1981 (1981 का मध्य प्रदेश अधिनियम सं. 36) की धारा 11 और 13 के अन्तर्गत दण्डनीय अपराध; और

(ख) उपर्युक्त अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्रों तथा उसी संव्यवहार के अनुक्रम में अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों ।

[सं. 228/33/2009-एवीडी-II]

चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)**

New Delhi, the 22nd December, 2009

S.O. 2.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences which are to be investigated by the Delhi Special Police Establishment nemely :—

- (a) Offence punishable under sections 11 and 13 of the Madhya Pradesh Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam, 1981 (Madhya Pradesh Act No. XXXVI of 1981); and
- (b) Attempt, abetment and conspiracy in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/33/2009-AVD-II]

CHANDRA PRAKASH, Under Secy.

गृह मंत्रालय

नई दिल्ली, 23 दिसम्बर, 2009

का.आ. 3.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, गृह-मंत्रालय के निम्नलिखित कार्यालय में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या

80% से अधिक हो जाने के फलस्वरूप उसे एतद्द्वारा अधिसूचित करती हैं:—

भारत के महारजिस्ट्रार का कार्यालय

जनगणना कार्य निदेशालय, उत्तराखंड,
16, राजपुर रोड, देहरादून-248001
(उत्तराखंड)

[सं. 12017/1/2008-हिन्दी]

अवधेश कुमार मिश्र, निदेशक (राजभाषा)

MINISTRY OF HOME AFFAIRS

New Delhi, the 23rd December, 2009

S.O. 3.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80%:

Office of the Registrar General, India

Directorate of Census Operations, Uttarakhand
16, Rajpur Road, Dehradun-248001 (Uttarakhand)

[No. 12017/1/2008-Hindi]

AVADHESH KUMAR MISHRA, Director (OL)

वित्त मंत्रालय

(राजस्व विभाग)

सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय

सेलम, 20 नवम्बर, 2009

संख्या 04/2009-सीमा शुल्क (एनटी)

का.आ. 4.—सीमा शुल्क अधिनियम, 1962, की धारा 152 के खंड (क) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा दिनांक 01 जुलाई, 1994 को जारी की गई अधिसूचना सं. 33/94-सीमा शुल्क (एन.टी.) द्वारा अधोहस्ताक्षरी को प्रदत्त शक्तियों का प्रयोग करते हुए, मैं सी. पी. राव, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, सेलम एतद्द्वारा सर्वे सं. जे/5-74/1, लोअर तलैयातिमंड, ऊटी टाउन (पू.) ऊटी तालुक, निलगिरी जिला, तमिलनाडु राज्य को संचार और सूचना प्रौद्योगिकि मंत्रालय, सूचना प्रौद्योगिकि विभाग, त्रिमणि चेन्नै, अनुमोदितनुसार सॉफ्टवेयर तकनीकि पार्क योजना हेतु शत-प्रतिशत निर्यातान्मुख एकक के प्रयोजन के लिए सीमा शुल्क अधिनियम, 1962 की धारा 9 के अनुसार भाण्डागार स्टेशन घोषित करता हूँ।

[फाइल सी.सं. VIII/40/05/2009-सीमा शुल्क नीति]

सी. पी. राव, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE COMMISSIONER OF CUSTOMS AND CENTRAL EXCISE

Salem, the 20th November, 2009

No. 04/2009-Customs (NT)

S.O. 4.—In exercise of the powers delegated to the undersigned, vide Notification No. 33/94-CUS(NT) dated 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) Section 152 of the Customs Act, 1962, I, C.P. Rao, Commissioner of Customs and Central Excise, Salem hereby declare SF No. J/5-74/1 located at Lower Thalyattimund, in Ooty town east of Ooty taluk in Nilgiri District in the state of Tamil Nadu to be a warehousing Station under Section 9 of the Customs Act, 1962 for the purpose of setting up a 100% Export Oriented Unit under Software Technology Park Scheme of Government of India as approved by the Ministry of Communications & Information Technology, Department of Information Technology, Taramani, Chennai-600 113.

[File C. No. VIII/40/05/2009-CUS, POL]

C. P. RAO, Commissioner

कार्यालय मुख्य आयकर आयुक्त

जोधपुर, 18 दिसम्बर, 2009

का.आ. 5.—आयकर अधिनियम 1961 (1961 का 43वां) की धारा 10 के खण्ड (23ग) के उपखण्ड (vi) के साथ पठित आयकर नियमावली-1962 के नियम 2 ग ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जोधपुर एतद्द्वारा “लाला कमलापत सिंघानिया एज्यूकेशन संस्थान, गोटेन” जिला-नागौर, को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2010-11 से आगे तक निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं :-

1. कर निर्धारिती उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसकी संचयन पूर्णतः तथा अनन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई।
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

3. यह आदेश किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।
4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
5. विघटन की स्थिति में इसकी प्राप्तिगत राशियां और परिसंपत्तियां समान उद्देश्यों वाले धार्मिक संगठन को दी जाएंगी और उसका कोई भी भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।
6. आयकर अधिनियम की धारा 10 (23C) के साथ पठित 115खखग में परन्तु 15 की शर्तों में अन्य दानों के सम्बन्ध में यह अनुमोदन लागू नहीं होगा।

[संदर्भ सं. मु.आ.आ./आ.अ. (तक)/जोध/2009-10/2570]

बी. एस. दिल्ली, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF
INCOME-TAX

Jodhpur, the 18th December, 2009

S.O. 5.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Jodhpur hereby approve "Lala Kamalpat Singhania Education Sansthan, Gotan, Distt. Nagaur" for the purpose of the said section for the assessment year 2010-11 onwards subject to the following conditions:—

1. the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
2. the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section (11);
3. this order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.
6. The approval will not apply in relation to anonymous donations in terms of the fifteenth proviso to Section 10(23C) n.w.s. 115BB of the Act.

[Ref. No. CCIT-ITO(Tech.) Ju 2009-10 2570]

B.S. DILLON, Chief Commissioner of
Income Tax

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 22 दिसम्बर, 2009

का.आ. 6.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण व्यवस्थापन) स्कीम, 1970/1980 के खंड 3 के उपखंड (1) के साथ पर्यटन बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3(ज) और (3) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री जी. चरथ चन्द्रन का अधिसूचना की तिथि से तीन वर्षों के समय कार्यकाल के लिए अथवा अगले आदेशों तक, जा भी पहले हो, इंडियन बैंक के निदेशक मंडल में अंशकालिक गैर सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9-1/2009-बीओ-1]

सुमिता डावरा, निदेशक

(Department of Financial Services)

New Delhi, the 22nd December, 2009

S.O. 6.—In exercise of the powers conferred by sub-section 3(h) and (3A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of The Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri G. Charath Chandran, as part-time non-official director on the Board of Directors of Indian Bank for a second term of three years from the date of notification or until further orders, whichever is earlier.

[F. No 9-1/2009-45 (1)]

SUMITA DAWRA, Director

नई दिल्ली, 23 दिसम्बर, 2009

का.आ. 7.—सरकारी परिसर (अनधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, वित्त मंत्रालय, (आर्थिक कार्य विभाग) के 5 फरवरी, 2002 के अधिसूचना संख्या शून्य का अतिरूपण करते हुए केन्द्रीय सरकार, एतद्द्वारा, निम्नलिखित सारणी के कालम (2) में विनिर्दिष्ट अधिकारियों को जीवन बीमा अधिनियम, 1956 (1956 का 31) के अधीन स्थापित भारतीय जीवन बीमा निगम के अधिकारी होने के नाते तथा सरकार के राजपत्रित अधिकारी के समतुल्य अधिकारी होने के नाते अन्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारियों के रूप में नियुक्त करती है तथा उक्त सम्पदा अधिकारी उक्त निगम से संबंधित सम्पदाओं से या उक्त निगम की ओर से या उसके द्वारा लीज पर ली गई सम्पदाओं के संबंध में उक्त सारणी के कालम (3) में विनिर्दिष्ट उनके अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंदर उक्त अधिनियम के द्वारा या उसके अंतर्गत सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे तथा सौंपे गए कर्तव्यों का निष्पादन करेंगे।

सारणी

क्रम सं.	पदनाम	क्षेत्राधिकार की स्थानीय सीमाएं
1.	सचिव, मध्य क्षेत्रीय कार्यालय, भोपाल	मध्य प्रदेश और छत्तीसगढ़ राज्य
2.	सचिव, पूर्वी क्षेत्रीय कार्यालय, कोलकाता	अरुणाचल प्रदेश, असम, मणिपुर, मेघालय, मिजोरम, नागालैण्ड, सिक्किम, त्रिपुरा, पश्चिम बंगाल, राज्य और अंडमान और निकोबार द्वीप समूह संघ राज्य क्षेत्र
3.	सचिव, पूर्व मध्य क्षेत्रीय कार्यालय, पटना	बिहार, झारखंड और उड़ीसा राज्य
4.	सचिव, उत्तरी क्षेत्रीय कार्यालय, नई दिल्ली	दिल्ली, हरियाणा, हिमाचल प्रदेश, जम्मू एवं कश्मीर, पंजाब, राजस्थान राज्य और चण्डीगढ़ संघ राज्य क्षेत्र
5.	सचिव, उत्तर मध्य क्षेत्रीय कार्यालय, कानपुर	उत्तर प्रदेश और उत्तराखंड राज्य
6.	सचिव, दक्षिणी क्षेत्रीय कार्यालय, चेन्नै	केरल, तमिलनाडु राज्य और लक्षद्वीप तथा पुदुचेरी संघ राज्य क्षेत्र (यनम जिले को छोड़कर)
7.	सचिव, दक्षिण मध्य क्षेत्रीय कार्यालय, हैदराबाद	आन्ध्र प्रदेश, कर्नाटक राज्य और यनम जिले को छोड़कर पुदुचेरी संघ राज्य क्षेत्र
8.	सचिव, पश्चिमी मध्य क्षेत्रीय कार्यालय, मुम्बई	गोवा, गुजरात, महाराष्ट्र राज्य और दादरा और नगर हवेली तथा दमन एवं दीव संघ राज्य क्षेत्र

[फा. सं. 131/1/2002-बीमा-III]

हरदीप एस. सेनी, अवर सचिव

New Delhi, the 23rd December, 2009

S.O. 7.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of unauthorized Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs), No. Nil dated 5th February, 2002 the Central Government hereby appoints the Officers specified in columns (2) of the Table below Officers of the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (31 of 1956) and being Officers equivalent to the rank of a Gazetted Officer of Government, to be Estate Officers for the purpose of the said Act and the said Estate Officers shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the said Act within the local limits of their respective jurisdiction specified in column (3) of the said table in respect of the properties belonging to or taken on lease by or on behalf of the said Corporation.

TABLE

Sr. No.	Designation	Local limits of jurisdiction
1.	The Secretary at Central Zonal Office, Bhopal	The States of Chhattisgarh and Madhya Pradesh
2.	The Secretary at Eastern Zonal Office, Kolkata	The States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, West Bengal and Union Territories of Andaman & Nicobar Islands.
3.	The Secretary at East Central Zonal Office, Patna	The States of Bihar, Jharkhand and Orissa.
4.	The Secretary at Northern Zonal Office, New Delhi	The States of Delhi, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and Union Territory of Chandigarh.
5.	The Secretary at North Central Zonal Office, Kanpur	The States of Uttar Pradesh and Uttarakhand.
6.	The Secretary at Southern Zonal Office, Chennai	The States of Kerala, Tamil Nadu and Union Territories of Lakshadweep and Puducherry. (other than the district of Yanam)
7.	The Secretary at South Central Zonal Office, Hyderabad	The States of Andhra Pradesh, Karnataka and the district of Yanam in the Union Territory of Puducherry.
8.	The Secretary at Western Zonal Office, Mumbai	The States of Goa, Gujarat, Maharashtra and Union Territories of Dadra and Nagar Haveli and Daman and Diu.

[F. No. 131/1/2002-Ins. III]

HARDEEP S. SAINI, Under Secy.

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

(राजभाषा प्रभाग)

नई दिल्ली, 15 दिसम्बर, 2009

का.आ. 8.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम 4 के अनुसरण में मानव संसाधन विकास मंत्रालय के अन्तर्गत कार्यरत निम्नलिखित 77 केन्द्रीय विद्यालयों को, ऐसी संस्थाओं के रूप में, जिनमें 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

क्र. सं.	विद्यालय का नाम तथा पता
1	2
1.	केन्द्रीय विद्यालय, मीनाबकम, चैन्ने-600027
2.	केन्द्रीय विद्यालय, समुद्री मछली उद्योग डाक, डाकघर मंडपम डाक, जिला-रामनाथपुरम, पिन-623 520
3.	केन्द्रीय विद्यालय, ओट्टपालम, जिला-पालक्काड, पिन-679 103
4.	केन्द्रीय विद्यालय, नं.-2, एच ए पी पी कैपस, तिरुच्चिरापल्ली, पिन-620 025
5.	केन्द्रीय विद्यालय, पांगोड, तिरुमला डाक, तिरुवनंतपुरम-695 006
6.	केन्द्रीय विद्यालय, नं. 2, वायु सेना स्थल, तेजपुर डाकघर सलोनीबाडी, जिला सोनितपुर-784 104
7.	केन्द्रीय विद्यालय, एन. एफ. रेलवे न्यू बंगाईगाँव-783 381

1	2
8.	केन्द्रीय विद्यालय, नेरिस्ट निरजुली, (अरुणाचल प्रदेश)-791109
9.	केन्द्रीय विद्यालय, आलंग (अरुणाचल प्रदेश)
10.	केन्द्रीय विद्यालय, मंगलदै, रंगामाटी मौजा, ब्लाक चौक, जिला दरंग (असम)-784125
11.	केन्द्रीय विद्यालय, गोलाघाट
12.	केन्द्रीय विद्यालय, बरपेटा ओल्ड सिविल हॉस्पिटल कैम्पस बरपेटा-781301
13.	केन्द्रीय विद्यालय, किमिन, (अरुणाचल प्रदेश)
14.	केन्द्रीय विद्यालय, आई.आई.टी. गुवाहाटी, आई.टी. परिसर, जिला-कामरूप गुवाहाटी-781030
15.	केन्द्रीय विद्यालय, उत्तर-पूर्व विज्ञान एवं प्रौद्योगिकी संस्थान, जोराहाट-785006
16.	केन्द्रीय विद्यालय, आई.ओ.सी., रिफाइनरी, गुवाहाटी
17.	केन्द्रीय विद्यालय, खानापारा, गुवाहाटी-781022
18.	केन्द्रीय विद्यालय, डिगारु, डाकघर-सोनापुर जिला-कामरूप-780402
19.	केन्द्रीय विद्यालय, सी.आर.पी.एफ. दुर्गापुर जिला बर्दवान कोलकाता-723214
20.	केन्द्रीय विद्यालय, सालबोनी एन पी पी. आर बी आई, कोलकाता-721147
21.	केन्द्रीय विद्यालय, गार्डन रीच. एस.ई. रेलवे बंगला नं. 15 कोलकाता-700043
22.	केन्द्रीय विद्यालय, नं. 1 सॉल्टलेक ई बी ब्लॉक सं. 1, सॉल्टलेक कोलकाता-700064
23.	केन्द्रीय विद्यालय, सलुआ वायु सेना केंद्र जिला-मिदनापुर, कोलकाता-721145
24.	केन्द्रीय विद्यालय, सातरागाछी, डाकघर जी आई पी कालोनी जिला-हावड़ा कोलकाता-711321
25.	केन्द्रीय विद्यालय, बामनगाछी, डाकघर सलकिया जिला-हावड़ा कोलकाता-711106
26.	केन्द्रीय विद्यालय, अररिया, गांधी स्मारक हाई स्कूल कैम्पस, रेलवे स्टेशन के पास अररिया, बिहार
27.	केन्द्रीय विद्यालय, आरा, रमना रोड आरा, जिला भोजपुर-802301
28.	केन्द्रीय विद्यालय, बांका, पी बी एस कॉलेज कैम्पस, बांका
29.	केन्द्रीय विद्यालय, एन.एच.पी.सी. गेरूकामुख, एन.एच.पी.सी. जिला धेमाजी, (असम)-787035
30.	केन्द्रीय विद्यालय, एच.एफ.सी. उर्वकर नगर, बरौनी जिला-बेगुसराय-854445
31.	केन्द्रीय विद्यालय, आई.ओ.सी., बरौनी जिला-बेगुसराय-851106
32.	केन्द्रीय विद्यालय, बेतिया मार्फत चर्म उद्योग निगम, बेतिया, जिला पश्चिमी चम्पारन-845438
33.	केन्द्रीय विद्यालय, ए एफ एस बिहटा, पटना-801103
34.	केन्द्रीय विद्यालय, दानापुर कैन्ट, जिला पटना-801503
35.	केन्द्रीय विद्यालय, छपरा, जिला-स्कूल हॉस्टल कैम्पस, बस स्टैंड के समीप-841301
36.	केन्द्रीय विद्यालय, बक्सर, मार्फत बक्सर हाई स्कूल जिला भोजपुर
37.	केन्द्रीय विद्यालय, सहरसा, सहरसा-852201
38.	केन्द्रीय विद्यालय, डलहौजी, बानीखेत, जिला-चंपा-176310
39.	केन्द्रीय विद्यालय, वाराणसी नं. 4 डी.एल.डब्ल्यू. वाराणसी (डाकघर-11)221004

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40. केन्द्रीय विद्यालय, जी.टी.सी. वाराणसी 39 जी.टी.सी. वाराणसी कैंट वाराणसी-221 002
41. केन्द्रीय विद्यालय, नं. 1 आदमपुर वायु सेना केन्द्र जिला-जालंधर-144 103
42. केन्द्रीय विद्यालय, बी.एच.यू. बी.ए.यू. कैम्पस वाराणसी-221 005
43. केन्द्रीय विद्यालय, मऊ मऊनाह मंजन जिला-मऊ-275 101 (उत्तर प्रदेश)
44. केन्द्रीय विद्यालय, गोरखपुर नं. 2 भारतीय खादय निगम कैम्पस डाकघर फर्टिलाइजर गोरखपुर-273007
45. केन्द्रीय विद्यालय, समस्तीपुर, नार्थ ईस्ट रेलवे समस्तीपुर-848 101
46. केन्द्रीय विद्यालय, गाजीपुर-233001 गर्वमेंट ओपियुम एंट एल कोलोडे वकर्स
47. केन्द्रीय विद्यालय, डिंडौरी, ओल्ड तहसील भवन, सिवित लाइन्स, डिंडौरी, पि-481 880 (म.प्र.)
48. केन्द्रीय विद्यालय, दरभंगा नं. 1 ए.एफ.एस. दरभंगा डाकघर पी टी'सी दरभंगा-846005
49. केन्द्रीय विद्यालय, पूर्णियां ए.एफ.एस. चुनाव वाया-पोलीटेक्नीक पी.ओ. पूर्णियां एरोड्रम पूर्णियां जिला-पूर्णियां-854 303
50. केन्द्रीय विद्यालय, नालन्दा, आर्डनेस फैक्टरी, नालंदा, राजगीर बिहार
51. केन्द्रीय विद्यालय, मुजफ्फरपुर, अधोरिया बाजार, चौक मुजफ्फरपुर बिहार-842 002
52. केन्द्रीय विद्यालय, मोतिहारी, द्वारा-नेहरू स्टेडियम मोतिहारी जिला-पूर्वी चम्पारन-845 401
53. केन्द्रीय विद्यालय, मशरक, छपरा स्टेट हाइवे रोड मशरक-841 417
54. केन्द्रीय विद्यालय, लखीसराय, जिला-लखीसराय-811 311
55. केन्द्रीय विद्यालय, किशनगंज, बी.एस.एफ., द्वारा-डी.आई.जी. सेक्टर मुख्यालय बी.एस.एफ. किशनगंज-855 107
56. केन्द्रीय विद्यालय, कहलगांव, एन.टी.पी.सी. कहलगांव, पी टी एस भागलपुर-813 214
57. केन्द्रीय विद्यालय, जहानाबाद, जिला जहानाबाद-804 408
58. केन्द्रीय विद्यालय, जवाहरनगर डाकघर सुधिरा, जिला सीतामढ़ी-843 331
59. केन्द्रीय विद्यालय, हाजीपुर, टीचर ट्रेनिंग कॉलेज कैम्पस, डाकघर डिग्नोकलां, हाजीपुर जिला वैशाली बिहार-844101
60. केन्द्रीय विद्यालय, दरभंगा नं. 2, आईआईटी कैम्पस, रामनगर लहेरिया सराय दरभंगा
61. केन्द्रीय विद्यालय, गया नं. 1 राजेन्द्र मेमोरियल बिल्डिंग, बागेश्वरी रोड, गया-823 001
62. केन्द्रीय विद्यालय, गढ़हरा बेगुसराय-851 126
63. केन्द्रीय विद्यालय, गोरखपुर नं. 1 ए.एफ.एस. न्यू प्रोजेक्ट गोरखपुर-273 002
64. केन्द्रीय विद्यालय, गोपालगंज, बी एम इंटर, कॉलेज कैम्पस नगर थाना के समीप गोपालगंज-841 428
65. केन्द्रीय विद्यालय, सीवान डी वी रॉय डिग्री कॉलेज के समीप पी.ओ. सीवान-841 226
66. केन्द्रीय विद्यालय, चोपान जिला-सोनभद्र-231 205
67. केन्द्रीय विद्यालय, बलिया, कृषि मंडी समिति कैम्पस, परीखारा टीकमपुर-277 001
68. केन्द्रीय विद्यालय, आजमगढ़, हीरा पट्टी आजमगढ़-276 001
69. केन्द्रीय विद्यालय, देवरिया गवर्नमेंट आई टी आई कैम्पस (उ.प्र.)-274 001
70. केन्द्रीय विद्यालय, अविका नगर जिला टोंक राजस्थान-304 501
71. केन्द्रीय विद्यालय, तेहरान (भारतीय दूतावास विद्यालय) नूर मोहम्मदी स्ट्रीट, दरवेश अवे. नं. 24
72. केन्द्रीय विद्यालय, नं. 2 पठानकोट
73. केन्द्रीय विद्यालय, फरीदकोट, छावनी

1

2

74. केन्द्रीय विद्यालय नं. 1, चंडीमंदिर छावनी-134107
75. केन्द्रीय विद्यालय, वायु सेना केन्द्र, हाई ग्राउंड जोरकपुर चंडीगढ़-160004
76. केन्द्रीय विद्यालय, पालमपुर जिला कांगड़ा, हिमाचल प्रदेश-176061
77. केन्द्रीय विद्यालय, गढ़ा शासकीय प्री-मैट्रिक अनु. जनजाति बालिका छात्रावास, रानी दुर्गावती बालिका उ.मा. विद्यालय, परिसर गंगानगर गढ़ा, जबलपुर-482003

[सं. 11011-1/2009-रा.भा.ए.]

डा. अनिता भटनागर जैन, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT**(Department of Higher Education)****(O.L. Division)**

New Delhi, the 15th December, 2009

S.O. 8.—In pursuance of sub rule (4) of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following 77 Kendriya Vidyalayas under the Ministry of Human Resource Development, whose more than 80% members of the staff have acquired working knowledge of Hindi :—

S. No. Name of the Vidyalaya and Address

1	2
1.	Kendriya Vidyalaya, Minambakkam, Chennai-600027
2.	Kendriya Vidyalaya Marine Fishries Industries Post, P.O. Mandapam Post, Distt-Ramnathpuram, Pin-623520
3.	Kendriya Vidyalaya, Ottampalam, Distt.-Palghat, Pin-679103
4.	Kendriya Vidyalaya No. 2, HAPP Camps, Triuchirapalli, Pin-620025
5.	Kendriya Vidyalaya, Pangode, Post Trivantapuram Tirumala-695006
6.	Kendriya Vidyalaya No. 2, Tejpur AFS P.O. Salonibari Dist. Sonitpur 784104
7.	Kendriya Vidyalaya NF Railway New Bongaigaon 783381
8.	Kendriya Vidyalaya, Nerist Nirjuli Arunachal Pradesh-791109
9.	Kendriya Vidyalaya Along, 28, Assam Rifles C/O 99APO Arunachal Pradesh-784125
10.	Kendriya Vidyalaya Mangaldoi, Rangamati Mouza Block, Choka Dist Darrang-784125
11.	Kendriya Vidyalaya Golaghat
12.	Kendriya Vidyalaya Barpeta, Old Civil Hospital Campus, Barpeta-781301
13.	Kendriya Vidyalaya, Kimin, P.O. Kimin Dist-Papumpare
14.	Kendriya Vidyalaya IIT Guwahati, IIT Campus, Distt.-Kamrup, Guwahati. 781030
15.	Kendriya Vidyalaya North-East Science and Technology Institute, Jorhat-785006
16.	Kendriya Vidyalaya, IOC Refinery Guwahati
17.	Kendriya Vidyalaya, Khanapara Guwahati-781022
18.	Kendriya Vidyalaya, Digaru, P.O. Sonapur Dist. Kamrup-7820402
19.	Kendriya Vidyalaya Durgapur C.R. P.F. Dist-Burdwan-723214

1

2

20. Kendriya Vidyalaya Salboni, NPP, RBI, Salboni-721147
21. Kendriya Vidyalaya Garden Reach S.E. Railway Bunglaow No. 15 Kolkata-700043
22. Kendriya Vidyalaya No. 1 Salt Lake EB Block, Sec-1 Salt, Lake, Kolkata-700064
23. Kendriya Salua, AFS Dist.-Midnapore-721145
24. Kendriya Vidyalaya Santraganchi P.O. GIP Colony, Dist Howarh-711321
25. Kendriya Vidyalaya Bamangachi, P.O. Salkia, Dist.-Howarh-711106
26. Kendriya Vidyalaya, Araria, Gandhi Memorial High School Campus Near Railway Station, Araria, Bihar
27. Kendriya Vidyalaya Arrah, Ramna Road Arrah, Dist. Bhojpur 802301
28. Kendriya Vidyalaya, Banka, F.B.S. College Campus, Banka
29. Kendriya Vidyalaya, Gerukamukh, NHPC Dist. Dhemaji, Assam-787035
30. Kendriya Vidyalaya H.F.C., Urvarknagar, Barauni Dist.-Begusarai-851115
31. Kendriya Vidyalaya I.O.C., Barauni Dist.-Begusarai-851106
32. Kendriya Vidyalaya Bettiah. C/O Leather Industries Corporation, Bettiah Dist., West Champaran-845438
33. Kendriya Vidyalaya, A.F.S. Bihta, Patna-801103
34. Kendriya Vidyalaya, Danapur Cantt., Dist. Patna-801503
35. Kendriya Vidyalaya Chhapra, Zila School Hostel Campus Near Bus Stand Chhapra-841301
36. Kendriya Vidyalaya Buxar C/o Buxar High School Buxar, Dist. Bhojpur
37. Kendriya Vidyalaya Saharsa, Saharsa-852201
38. Kendriya Vidyalaya, Dalhousie at Banikhet Dist. Chamba-176310
39. Kendriya Vidyalaya No. 4 DLW, Varanasi (P.O.-11) Varanasi-221004
40. Kendriya Vidyalaya GTC, Varanasi 39-G.T.C. Varanasi Cantt. Varanasi-221002
41. Kendriya Vidyalaya, Adampur No. 1 ASF Dist. Jalandhar-144103
42. Kendriya Vidyalaya, BHU, BHU Campus Varanasi-221005
43. Kendriya Vidyalaya, Mau Maunah Bhanjan-274101 Mau (U.P.)
44. Kendriya Vidyalaya, Gorakhpur No. 2, FCI Campus, P.O. Fertilizer, Gorakhpur-273007
45. Kendriya Vidyalaya, Samastipur, N.E. Railway, Samastipur-848101
46. Kendriya Vidyalaya, Ghazipur, Government Oppium & Alkolilde Works Ghazipur 233001
47. Kendriya Vidyalaya, Dindori, Old Tehsil Bhawan, Civil Lines, Dindori-481880 (MP)
48. Kendriya Vidyalaya Darbanga No. 1 A.F.S. Darbhanga P.O. P.T.C. Darbhanga-846005
49. Kendriya Vidyalaya, Purnea AFS Chunapur, Via-Ploytechnic P.O. Purnea Aerodrome, Purnea-854303
50. Kendriya Vidyalaya Nalanda, Ordnance Factory Nalanda, Rajgir, Bihar
51. Kendriya Vidyalaya Muzafferpur, Aghoria Bazar Chauk, Muzafferpur, Bihar-842002
52. Kendriya Vidyalaya Motihari C/o Nehru Stadium Motihari Dist. East Champaran-845401
53. Kendriya Vidyalaya, Mashrak, Chapra State Highway Road Mashrak-841417
54. Kendriya Vidyalaya Lakhisarai, Dist. Lakhisarai-811311
55. Kendriya Vidyalaya, Kishanganj, C/o DIG Sector HQ B.S.F. Kishanganj-855107

1	2
56.	Kendriya Vidyalaya, Kahalgaon N.T.P.C. Kahalgaon PTS Bhagalpur-813214
57.	Kendriya Vidyalaya Jehanabad Pin-804408
58.	Kendriya Vidyalaya, Jawaharnagar P.O. Suthira, Via-Sursand, Jawaharnagar, Distt.-Sitamarhi-843331
59.	Kendriya Vidyalaya Hazipur, Teacher Training College Campus, P.O. Diggi Kala, Hazipur, Distt. Vaishali, Bihar-844101
60.	Kendriya Vidyalaya Darbhanga No. 2 IIT Campus Ramnagar, Leharisara, Darbhanga
61.	Kendriya Vidyalaya Gaya No. 1, Rajendra Memorial Building, Bageshwari Road, Gaya-823001
62.	Kendriya Vidyalaya Garhara, Begusarai-851126
63.	Kendriya Vidyalaya Gorakhpur No. 1, AFS, New Project, Gorakhpur-233002
64.	Kendriya Vidyalaya Gopalganj, BM Inter College, Campus Near Nagar Thana, Gopalganj-841428
65.	Kendriya Vidyalaya Siwan, Near D.P. Roy Degree College, P.O. Siwan-841226
66.	Kendriya Vidyalaya, Chopan, Dist. Sonebhadra-231205
67.	Kendriya Vidyalaya Ballia Krishi Mandi Samati Campus Parikhara, Tikhampu Ballia-277001
68.	Kendriya Vidyalaya Azamgarh, Hirapatti, Azamgarh-276001
69.	Kendriya Vidyalaya Deoria Government I.T.I. Campus, Deoria-274001 (U.P.)
70.	Kendriya Vidyalaya, Avikanagar Dist. Tonk, Rajasthan-304501
71.	Kendriya Vidyalaya Tehran (Embassy of India Tehran) Saddi Ave, Qayedi (Hedayat) Ave, Noor Mohammadi Street, Darvish Ave No. 24
72.	Kendriya Vidyalaya No. 2, Pathankot
73.	Kendriya Vidyalaya, Faridkot Cantt. 151203
74.	Kendriya Vidyalaya No. 1 Chandimandir Cantt. 134107
75.	Kendriya Vidyalaya, AFS High Ground Zirakpur, Chandigarh 160004
76.	Kendriya Vidyalaya Palampur, Dist. Kangra (H.P.) 176061
77.	Kendriya Vidyalaya Garha, R.D. Girls H. S. School Campus, Ganganagar, Jabalpur-482003 (M.P.)

[No.11011/1/2009/O.L.U.]

Dr. ANITA BHATNAGAR JAIN, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 16 नवम्बर, 2009

का.आ. 9.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद एतद्द्वारा उक्त अधिनियम की प्रथम अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है, अर्थात् :—

2. गवर्नमेंट डेंटल कालेज एंड अस्पताल, औरंगाबाद, महाराष्ट्र के संबंध में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में मराठवाडा विश्वविद्यालय द्वारा प्रदत्त दंत चिकित्सा डिग्रियों को मान्यता प्रदान करने के संबंध में क्रम सं. 29 के सामने स्तम्भ 2 और 3 की मौजूदा प्रविष्टियों के अंतर्गत निम्नलिखित प्रविष्टियां रखी जाएंगी :—

मास्टर ऑफ डेंटल सर्जरी

“(v) ओरल मेडिसिन
(यदि यह 1997 को अथवा उसके
उपरांत प्रदान की गई हो।)

एम डी एस (ओरल मेडि.),
मराठवाडा यूनिवर्सिटी”

[फा. सं. वी. 12018/2/2009-डी.ई.]

आर. शंकरन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 16th November, 2009

S.O. 9.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns, 2 & 3 against Serial No. 29, in respect of Government Dental College and Hospital, Aurangabad, Maharashtra, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Marathwada University, the following entries shall be inserted thereunder :—

Master of Dental Surgery

“(v) Oral Medicine MDS (Oral Med.),
(if granted on or after 1997) Marathwada University”

[F.No. V. 12018/2/2009-DE]

R. SANKARAN, Under Secy.

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 10.—केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खंड (क) के अनुसरण में और उड़ीसा सरकार से परामर्श करने के बाद डॉ. दत्तेश्वर होता, प्रोफेसर एवं विभागाध्यक्ष, एस.सी.बी., चिकित्सा कालेज, कटक को इस अधिसूचना के जारी होने से पांच वर्षों के लिए भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में मनोनीत किया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में, केन्द्र सरकार एतद्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (क) के अधीन मनोनीत” शीर्षक के अंतर्गत क्रम संख्या 1 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

“1. डा. दत्तेश्वर होता,
प्रोफेसर एवं विभागाध्यक्ष, यूरोलोजी,
एस. सी. बी. मेडिकल
कालेज, कटक-753007

उड़ीसा सरकार”।

[सं.वी. 11013/8/2009-एम ई (नीति 1)]

आर. शंकरन, अवर सचिव

New Delhi, the 18th December, 2009

S.O. 10.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956), and in consultation with the Government of Orissa have nominated Dr. Datteswar Hota, Professor & HOD, Urology, S.C.B. Medical College, Cuttack to be a member of the Medical Council of India, for five years with effect from the date of this notification.

Now, therefore, in pursuance of the provision of sub section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated the 9th January, 1960, namely :—

In the said Notification, under the heading, “Nominated under clause (a) of sub section (1) of Section 3”, for serial number 1 and the entries thereto, the following entries shall be substituted, namely :—

“1. Dr- Datteswar Hota,
Professor & HOD, Urology,
S.C.B. Medical College,
Cuttack-753007

Government of Orissa”

[No. V. 11013/8/2009-MH (P-1)]

R. SANKARAN, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2009

का.आ. 11.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 7 की उप-धारा (3) के उपबंध के अनुसरण में डॉ. एस. वी. पटेल का 19-6-2009 से भावनगर विश्वविद्यालय से हेमचन्द्राचार्य उत्तरी गुजरात विश्वविद्यालय में स्थानांतरण होने के कारण उनकी भारतीय आयुर्विज्ञान परिषद् की सदस्यता समाप्त हो गई है।

जबकि भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 7 की उप-धारा (4) के उपबंध के साथ पठित धारा 3 की उप-धारा (1) (ख) के उपबंध के अनुपालन में, भावनगर विश्वविद्यालय में मेडिसिन के संकाय के सदस्य, डॉ. एच. बी. मेहता, आचार्य एवं अध्यक्ष, शरीर क्रिया विज्ञान विभाग, गवर्नमेंट ऑफ मेडिकल कॉलेज भावनगर, गुजरात को भावनगर विश्वविद्यालय की निर्णायक समिति द्वारा इस अधिसूचना के जारी होने की तारीख से 22-11-2011 तक के लिए भारतीय आयुर्विज्ञान परिषद् के एक सदस्य के रूप में निर्विरोध निर्वाचित किया गया है।

अतएव अब, केन्द्र सरकार उक्त अधिनियम की धारा 3 की उप-धारा (1) के उपबंध के अनुसरण में, स्वास्थ्य और परिवार कल्याण मंत्रालय, भारत सरकार की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में शीर्षक “धारा 3 की उप-धारा (1) के खंड (ख) के अंतर्गत निर्वाचित” के अंतर्गत क्रम संख्या 77 के सामने निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

“ 77. डा. एच. बी. मेहता
आचार्य एवं अध्यक्ष, शरीर क्रिया विज्ञान विभाग
गवर्नमेंट ऑफ मेडिकल कॉलेज, भावनगर, गुजरात

भावनगर विश्वविद्यालय”

[सं. वी. 11013/10/2009-एम ई (पी-1)]

आर. शंकरन, अवर सचिव

New Delhi, the 30th December, 2009

S.O. 11.—Whereas in pursuance of the provision of sub-section (3) of Section 7 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. S. V. Patel ceased to be the member of the Medical Council of India due to his transfer from Bhavnagar University to Hemchandracharya North Gujarat University on 19-6-2009.

Whereas in pursuance of the provision of sub-section (1) (b) of Section 3 read with the provision of sub-section (4) of Section 7 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. H. B. Mehta, Professor & Head, Department of Physiology, Government of Medical College, Bhavnagar, Gujarat, a member of the faculty of Medicine, Bhavnagar University has been elected uncontested by the Court of the Bhavnagar University to be a member of the Medical Council of India with effect from the date of issue of this notification to 22-11-2011.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated the 9th January, 1960, namely :—

In the said Notification, under the heading, “Elected under clause (b) of sub-section (1) of Section 3”, against serial number 77, the entries shall be substituted, by the following :—

“77. Dr. H. B. Mehta
Pro. & Head
Department of Physiology
Government of Medical College
Bhavnagar, Gujarat

Bhavnagar University”

[No. V. 11013/10/2009-ME (Policy-1)]

R. SANKARAN, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

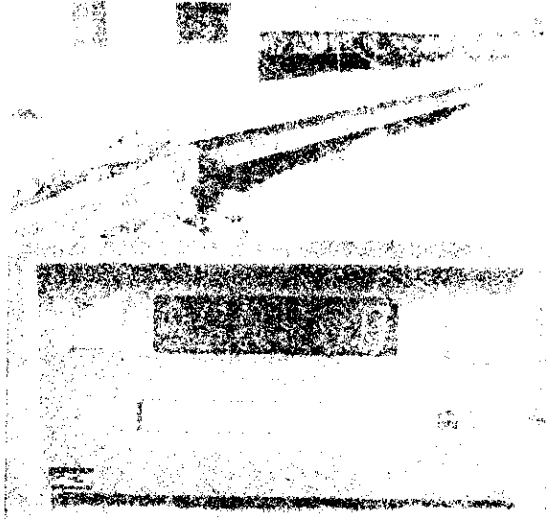
(उपभोक्ता मामले विभाग)

नई दिल्ली, 15 अप्रैल, 2009

का.आ. 12.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स ग्लोबल इंडस्ट्रिज, कोर्पोरेशन, निवास प्रेजीडेंसी, पुलिस कमिशनर आफिस के सामने, सहारनपुर लिंक रोड, नासिक-422005 (महाराष्ट्र) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “जीडब्ल्यू” शृंखला के अंकक सूचन सहित, स्वचालित तोलन उपकरण (वेब्रिज टाइप) के मॉडल का, जिसके ब्रांड का नाम “ग्लोबल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/395 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 60,000 कि.ग्रा. और न्यूनतम क्षमता 400 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इंडीकेटर के दाईं तरफ से ऊपरी कवर और निचली प्लेट को काटकर दो छेद किए हैं। इन दो छेदों को सत्यापन-स्टाम्प और सील प्राप्त करने के लिए लीड तार से जोड़ा गया है। उपकरण को सील के छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल की सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 500 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 और 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (293)/2008]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 15th April, 2009

S.O. 12.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy class-III) of series "GW" and with brand name "GLOBAL" (hereinafter to as the said Model), manufactured by M/s. Global Instruments Corporation, Niwas Presidency, Opp. Police Commissioner Office, Sharanpur Link Road, Nashik-422 005 (M.S.) and which is assigned the approval mark IND/09/08/395;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Type) with a maximum Capacity of 60,000kg and minimum capacity of 400 kg. The verification scale interval (e) is 20 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

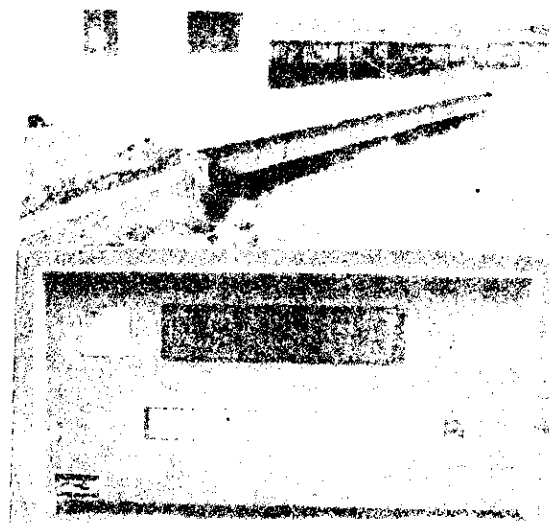


Figure-2 Sealing Diagram

From the right side of the indicator two holes are made by cutting the upper cover and bottom plate. These two holes are fastened by a leaded wire for receiving the verification stamp and seal. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external access to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 500g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (293)/2008]

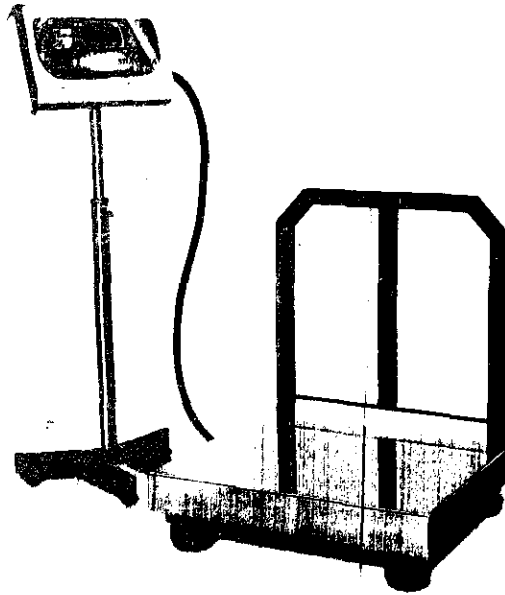
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 6 अक्टूबर, 2009

का.आ. 13.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स शायोना स्केल, 208, बी बी सी टावर, श्याजीगंज, वडोदरा-390 005 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एसएचपी-7" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शायोना" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/340 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



A4324

स्केल की तल प्लेट और ऊपर के कवर में किए गए छेदों के जरिए सीलिंग की जाती है और तब इन दोनों छेदों में से सीलिंग तार निकाली जाती है। स्टाम्पिंग के स्केल की आड़ी से निकलती हुई सीलिंग तार के जरिए स्टाम्पिंग प्लेट को लीड सील से जोड़ा जाता है। मॉडल को सीलबंद करने के उपबंध का एक प्रमाण आजीनायद डायग्राम उपरोक्त दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 और 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21 (266)/2008]

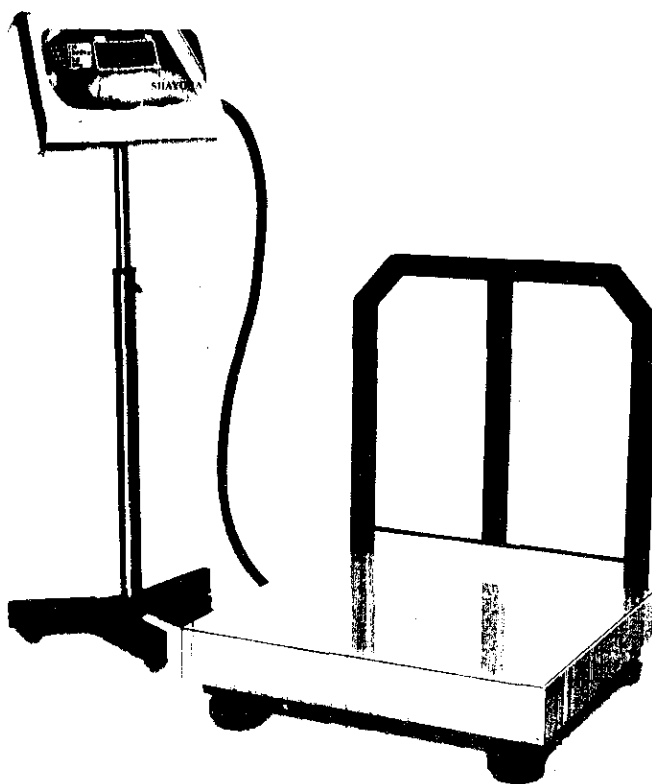
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th October, 2009

S.O. 13.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of medium accuracy (Accuracy class-III) of series "SHP-7" and with brand name "SHAYONA" (hereinafter referred to as the said Model), manufactured by M/s. Shayona Scale, 208, B.B.C. Tower, Sayajigunj, Vadodara-390 005 and which is assigned the approval mark IND/09/08/340;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum Capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

**A4324**

The sealing is done through the hole, made in the bottom plate and top cover of the scale, and then sealing wire is passed through these two holes. Stamping plate is connected through sealing wire passing from the body of scale with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (266)/2008]

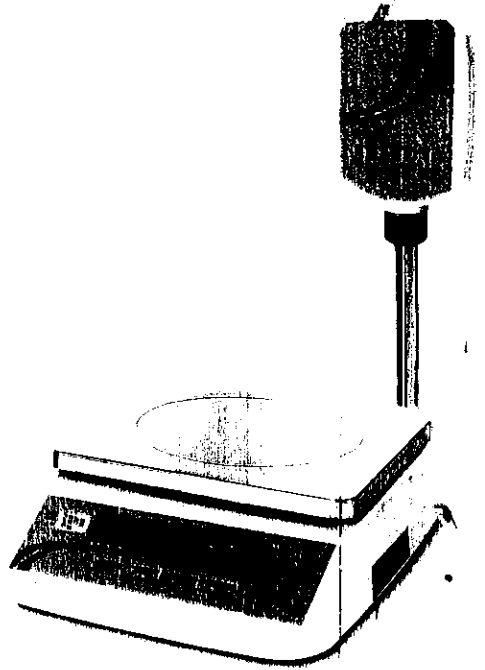
R. MATHURBOOTHAM, Director of Legal Metrology

ई दिल्ली, 6 अक्तूबर, 2009

का.आ. 14.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स शायोना स्केल, 208, बी बी सी टावर, श्याजीगंज, वडोदरा-390 005 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एसएचटी-11” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “शायोना” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/341 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्केल की तल प्लेट और ऊपर के कवर में किए गए छेदों के जरिए सीलिंग की जाती है और तब इन दोनों छेदों में से सीलिंग तार निकाली जाती है। स्टाम्पिंग के लिए स्केल की बाड़ी से निकलती हुई सीलिंग तार के जरिए स्टाम्पिंग प्लेट को लीड सील से जोड़ा जाता है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (266)/2008]

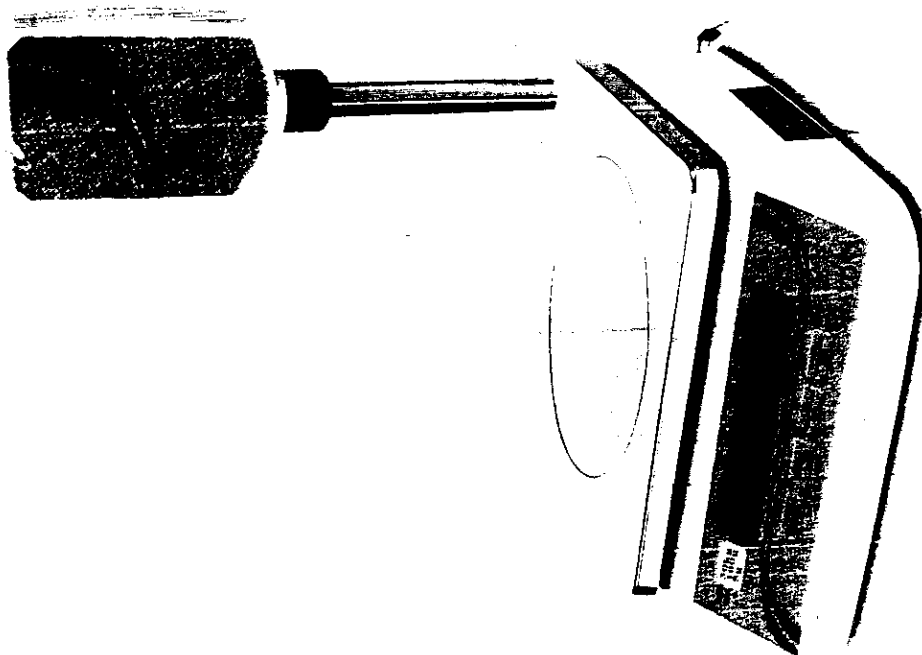
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th October, 2009

S.O. 14.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "SHT-11" and with brand name "SHAYONA" (hereinafter referred to as the said Model), manufactured by M/s. Shayona Scale, 208, B.B.C. Tower, Sayajigunj, Varodara-390 005 which is assigned the approval mark IND/09/08/341;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum Capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.



The sealing is done through the hole, made in the bottom plate and top cover of the scale, and then sealing wire is passed through these two holes. Stamping plate is connected through sealing wire passing from the body of scale with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (266)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

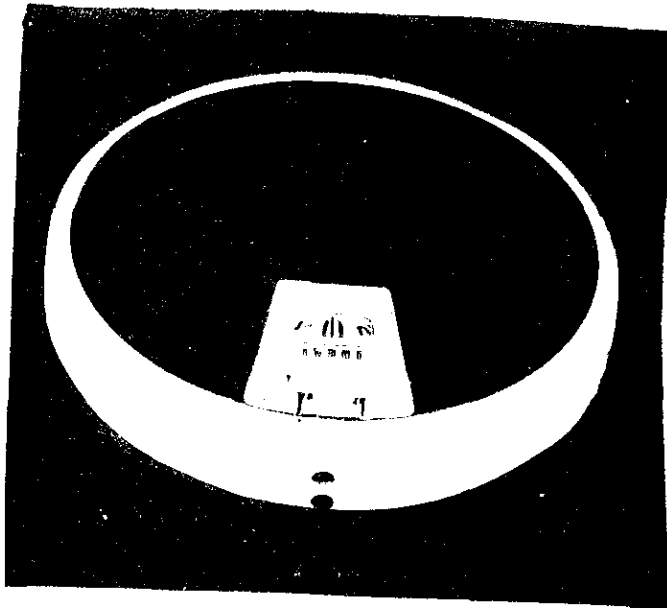
नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 15.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आइडल इंडस्ट्रीज, 52/3, मारुति नगर, लेन नं. 4 वाडेगांव शेरी, पुणे-14, महाराष्ट्र द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग III) के “आईडी-पी” शृंखला के अस्वचालित, एनालाग सूचन सहित तोलन उपकरण (व्यक्ति तोलन मशीन-डायल टाइप) जिसके ब्रांड का नाम “आइडल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी/09/08/544 समनुदर्शित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल मैकेनिकल अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन-डायल टाइप) है। जिसकी अधिकतम क्षमता 125 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। व्यक्ति का भार बिना टिकट डायल पर उपदर्शित होता है।

सीलिंग व्यवस्था की सिमेटिक व्यवस्था



स्केल के तेल पर मैकेनिकल सीलिंग की जाती है। सील को तोड़े बिना स्केल को खोला नहीं जा सकता। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 कि.ग्रा. से 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} अथवा 5×10^{-3} के हैं, जहां पर के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

(का.सं. डब्ल्यू.एम. 21 (2009) 2008)

अतः, माधुसूथम, निदेशक, विधिक माप विभाग

New Delhi, the 16th December, 2009

S.O. 15.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Person Weighing Machine-Dial Type) with analogue indication of ordinary accuracy (Accuracy class-III) of series "ID-P" with brand name "IDEAL" (hereinafter referred to as the said Model), manufactured by M/s. Ideal Industries, # 52/3, Maruti Nagar, Lane No. 4, Wadgaon Sheri, Pune-14, Maharashtra and which is assigned the approval mark IND/09/08/544;

The said model is a mechanical non-automatic weighing instrument (Person Weighing Machine-Dial Type) with a maximum Capacity of 125 kg and minimum capacity of 5 kg. The verification scale interval (e) is 500 g. The weight of a person is indicated on a dial without ticket.

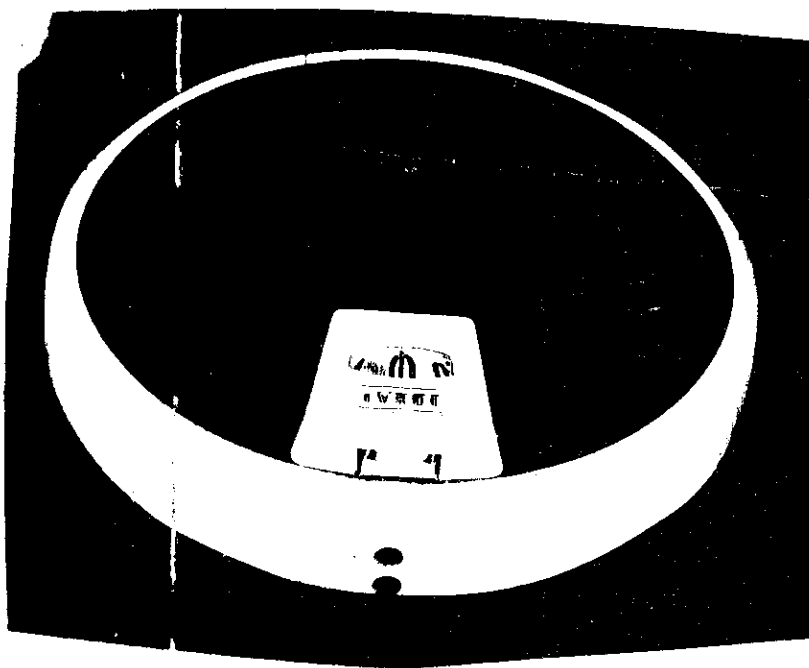


Figure-2 Sealing diagram of the sealing provision of the model

At the bottom of the scale, mechanical sealing is provided. The scale can not be opened without breking the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg to 200kg with verification scale interval (n) in the range of 100 to 1000 for 'e' value of 5g, or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (202)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 16.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स गणपति इंटरप्राइज, सी-1, प्लाट नं. 694, महागन, शालीमार गार्डन एक्सटेंशन-1, सहिबाबाद, गाजियाबाद, उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “गेट” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “ऑप्टरा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/377 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इंडीकेटर के बाटम में चार हैड होल स्कू चारों कोनों पर हैं और स्टाम्प और सील के सत्यापन के लिए इन चारों होलों को लीडिड वायर से कसा गया है। सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में कलिब्रेशन के लिए बाहरी पहुंच है। बाहरी कलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (210)/2009]

आर. माथुरबृथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th December, 2009

S.O. 16.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series "GET" and with brand name "OPTRA" (hereinafter referred to as the said Model), manufactured by M/s. Ganpati Enterprises, C-1, Plot No. 694, Mahagun, Shalimar Garden Extension-I, Sahibabad, Ghaziabad U.P. which is assigned the approval mark IND/09/09/377;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum Capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.



Figure-2 Schematic diagram of the sealing provision of the Model

The weighing scale has four head hole screws in four corner in its bottom and fastened by a leaded wire through these four holes for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg, to 50mg, and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21 (210)/2009]

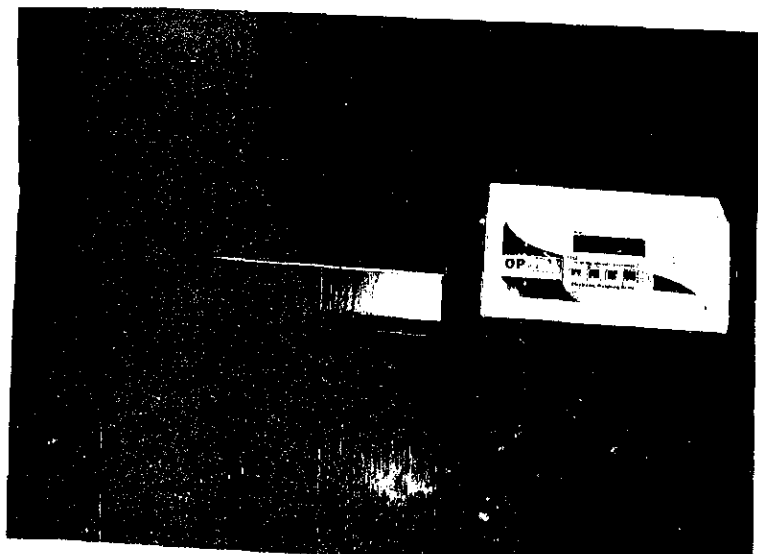
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 17.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स गणपति इंटरप्राइज, सी-1, प्लॉट नं. 694, महागन, शालीमार गार्डन एक्सटेंशन-1, साहिबाबाद, गाजियाबाद, उत्तर प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “गेप” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ऑप्टरा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/378 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



इंडीकेटर के बाटम में चार हैड होल स्क्रू चारों कोनों पर हैं और स्टाम्प और सील के सत्यापन के लिए इन चारों होलों को लीडिड वायर से कसा गया है। सील तोड़े बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण के केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (210)/2009]

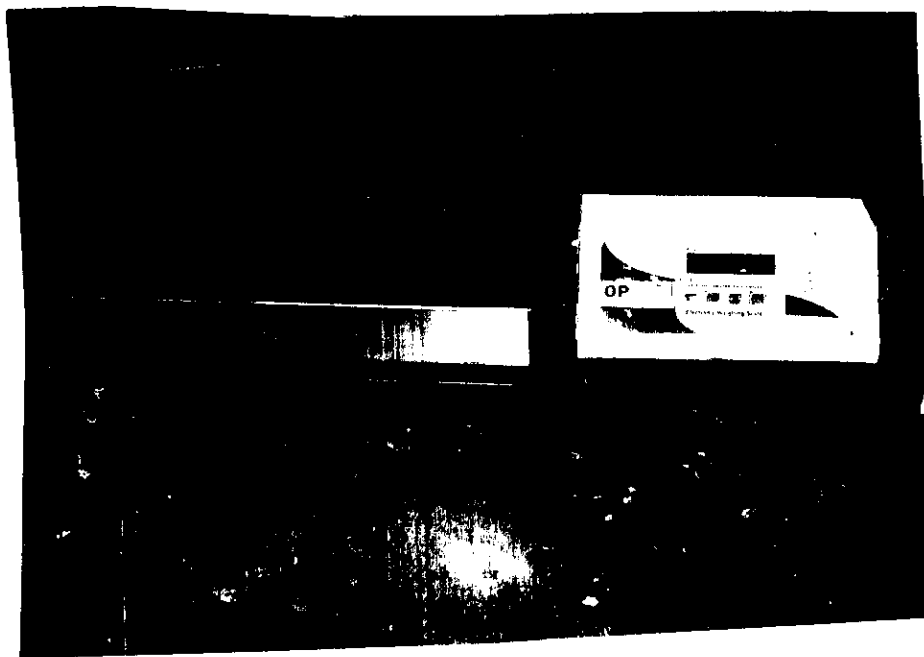
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th December, 2009

S.O. 17.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium accuracy (Accuracy class-III) of series "GEP" and with brand name "OPTRA" (hereinafter referred to as the said Model), manufactured by M/s. Ganpati Enterprises, C-1, Plot No. 694, Mahagun, Shalimar Garden Extension-I, Sahibabad, Ghaziabad U.P. and which is assigned the approval mark IND/09/09/378;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum Capacity of 200 kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.



The indicator has four head hole screws in four corners in its bottom and fastened by a leaded wire through these four holes for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg up to 5000kg, with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g, or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said the approved model has been manufactured.

[F. No. WM-21 (210)/2009]

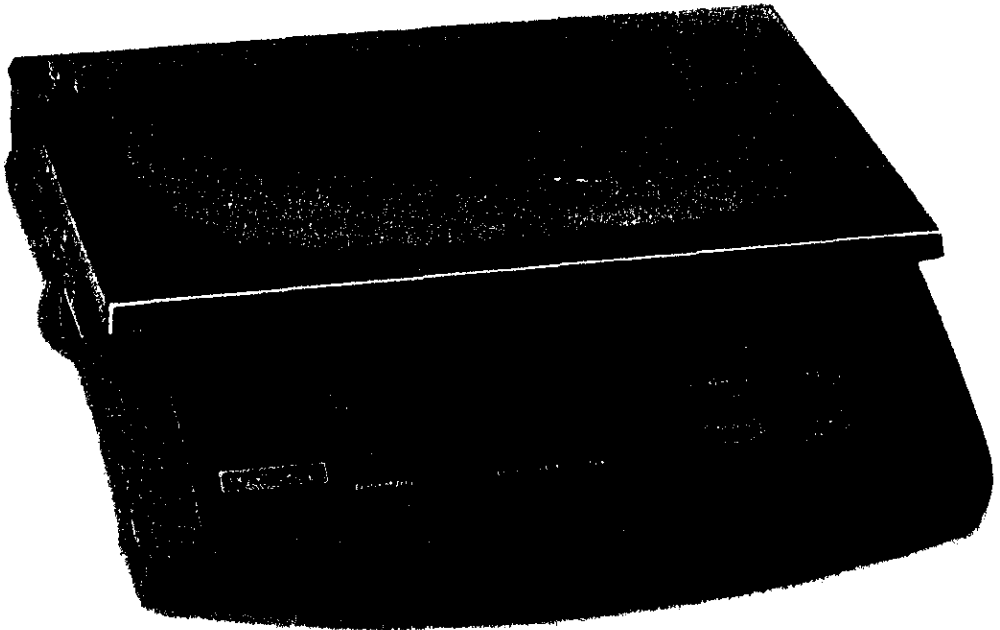
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 18.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, मैसर्स ओहॉस कोरपोरेशन, 19, ए, चेपीन रोड, पी.ओ. बाक्स 2033, पिन ब्रुक, एनजे 07058-2033, यू एस ए द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “ट्रूपर” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “ओहॉस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसके आयातकर्ता/भारतीय प्रतिनिधि मैसर्स ओहॉस वेइंग इंडिया प्राइवेट लि. अमर हिल्स, साकी विहार रोड, पोवई, मुंबई-400072 है और जिसे अनुमोदन चिह्न आई एन डी/09/09/273 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



वेइंग स्केल की तली में दो हैड होल स्कू हैं और स्टाम्प और सील के सत्यापन के लिए इन दो छेदों के जरिए लीड तार से बांधा जाता है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (149)/2009]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th December, 2009

S.O. 18.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of Medium accuracy (Accuracy class-III) of series "TROOPER" and with brand name "OHAUS" (hereinafter referred to as the said Model), manufactured by M/s. Ohaus Corporation 19A, Chapin Road, P.O. Box 2033, Pine Brook, NJ 07058-2033, USA and its importer/Indian representative is M/s Ohaus Weighing India Private Limited, Amar Hills, Saki Vihar Road, Powai Mumbai-400072 which is assigned the approval mark IND/09/09/273;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum Capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.



Figure-2 Schematic diagram of the sealing provision of the model

The weighing scale has two head hole screws at its bottom and fastened by a leaded wire through these two holes for receiving the verification stamp and seal. The instrument cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said the approved model has been manufactured.

[F. No. WM-21 (149)/2009]

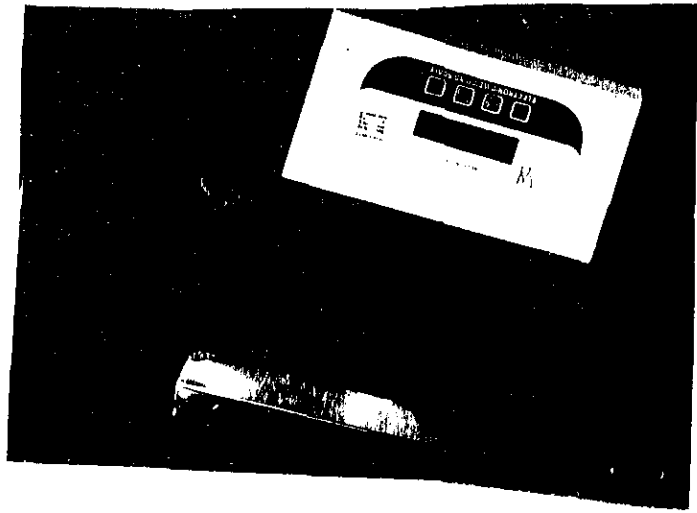
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 19.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स वेलसन इंडिया स्केल्ज एंड सिस्टम्स, डी 18, कोंडली, दिल्ली-110096 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “डब्ल्यूटीएच” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “वेलसन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/289 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) अंकक सूचन सहित है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल का सीलिंग डायग्राम

मशीन के बाटम में चारों कोनों में दिए गए हैड होल स्कू में से लीड वायर निकाल कर सीलिंग की जाती है और लीड सील लगायी गई है। मॉडल को सीलबंद करने के उपबंधों का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (168)/2009]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th December, 2009

S.O. 19.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High accuracy (Accuracy class-II) of series "WTH" and with brand name "WELSON ind" (hereinafter referred to as the said Model), manufactured by M/s. Welson India Scales & Systems, D-18, Kondli, Delhi-110096 and which is assigned the approval mark IND/09/09/289;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with digital indication of maximum Capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light diode (LED) indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

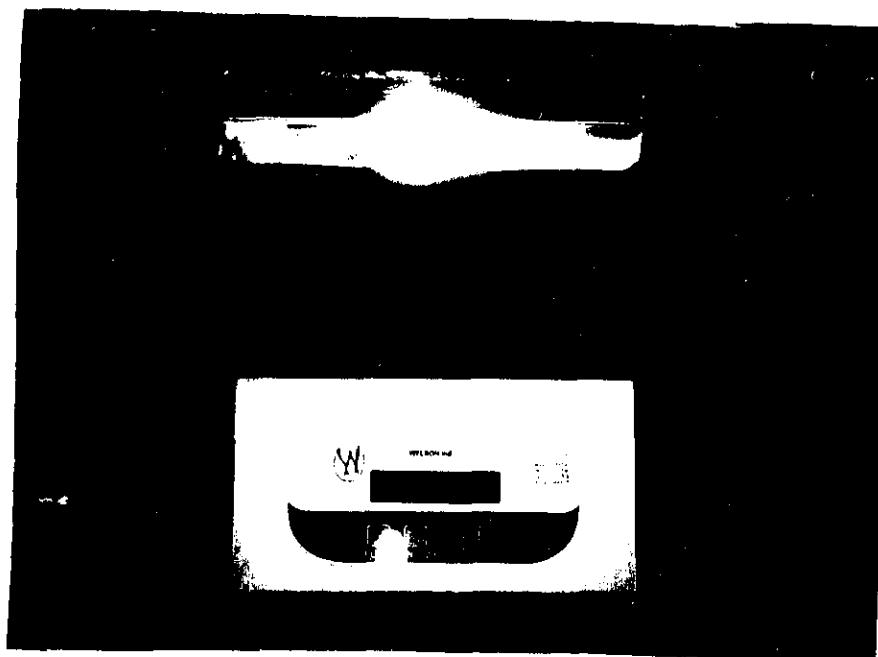


Figure-2 Sealing arrangement

The sealing is done by passing a leaded wire through the head hole of the screws at four corner of bottom of the machine and lead seal is fixed. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (168)/2009]

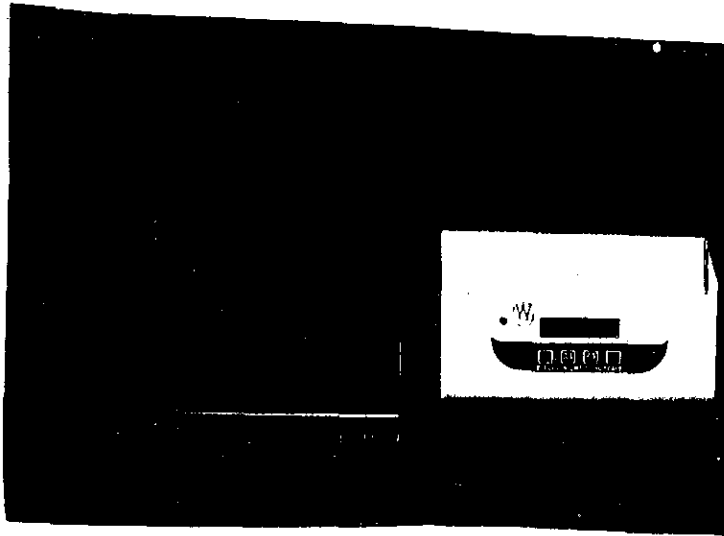
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 20.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स वेलसन इंडिया स्केल्ज एंड सिस्टम्स, डी 18, कॉडली, दिल्ली-110096 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डब्ल्यूपीएस” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “वेलसन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/290 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) अंकक सूचन सहित है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल का सीलिंग डायग्राम

मशीन के बाटम में चारों कोनों में दिए गए हैड होल स्कू में से लीड वायर निकाल कर सीलिंग की जाती है और लीड सील लगायी गई है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम- 21 (168)/2009]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th December, 2009

S.O. 20.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "WPS" and with brand name "WELSON ind" (hereinafter referred to as the said Model), manufactured by M/s. Welson India Scales & Systems, D-18, Kondli, Delhi-110096 and which is assigned the approval mark IND/09/09/290;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with digital indication of maximum Capacity of 200 kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light diode (LED) indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

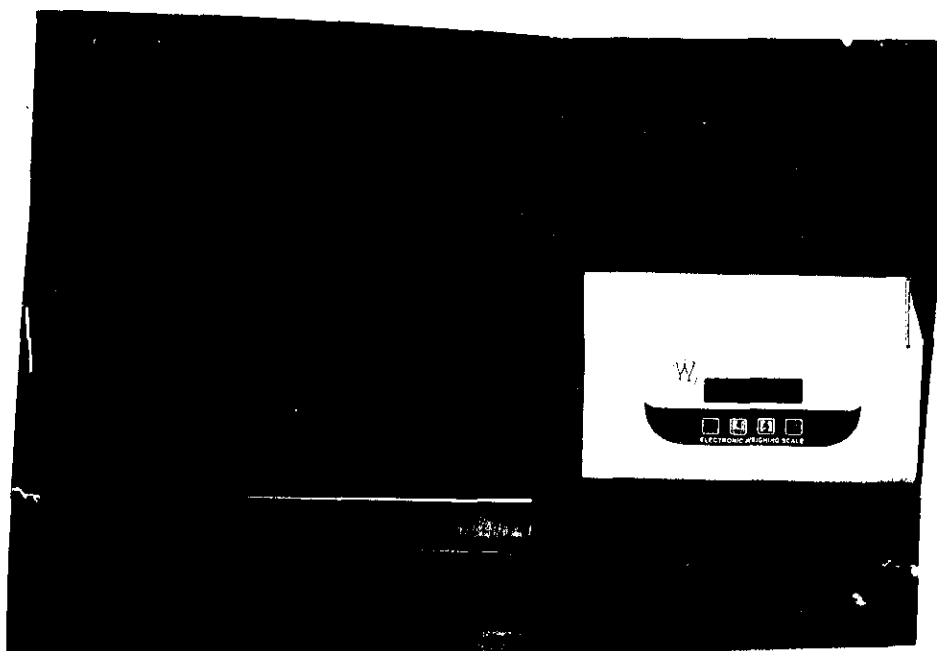


Figure-2 Sealing arrangement

The sealing is done by passing a leaded wire through the head hole of the screws at four corner of bottom of the machine and lead seal is fixed. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 50kg and upto 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (168)/2009]

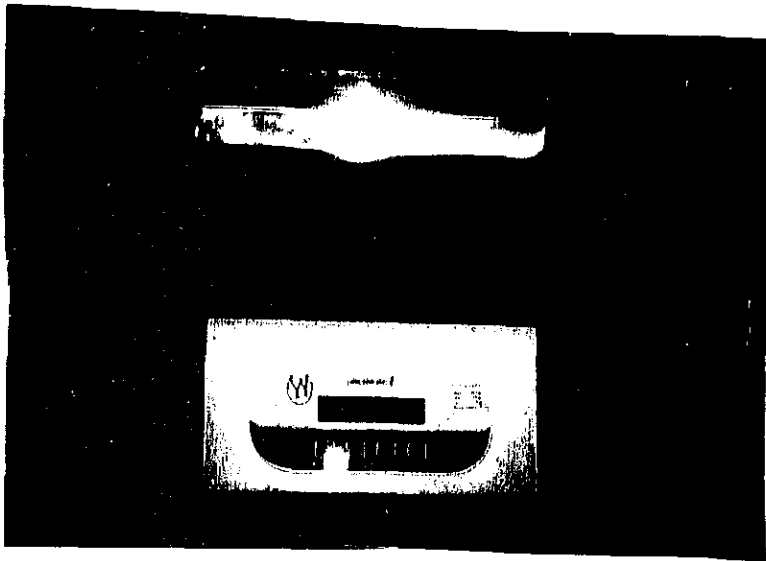
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 21.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसर्स वेलसन इंडिया स्कोल्ज एंड सिस्टम्स, डी 18, कोंडली, दिल्ली-110096 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डब्ल्यूटीटी” शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “वेलसन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/291 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) अंकक सूचन सहित है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मशीन के बाटम में चारों कोनों में दिए गए हैड होल स्कू में से लीड वायर निकाल कर सीलिंग की जाती है और लीड सील लगायी गई है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (168)/2009]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th December, 2009

S.O. 21.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of midium accuracy (Accuracy class-III) of Series "WTT" and with brand name "WELSON ind" (hereinafter referred to as the said Model), manufactured by M/s. Welson India Scales & Systems, D-18, Kondli, Delhi-110096 and which is assigned the approval mark IND/09/09/291;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with digital indication of maximum Capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

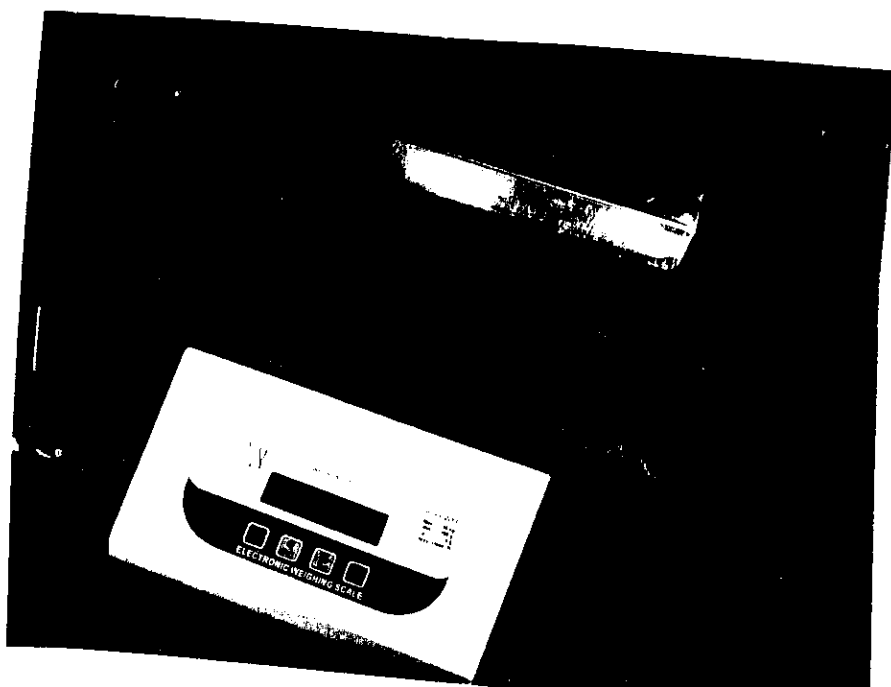


Figure-2 Sealing arrangement

The sealing is done by passing a leaded wire through the head hole of the screws at four corner of bottom of the machine and lead seal is fixed. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21 (168)/2009]

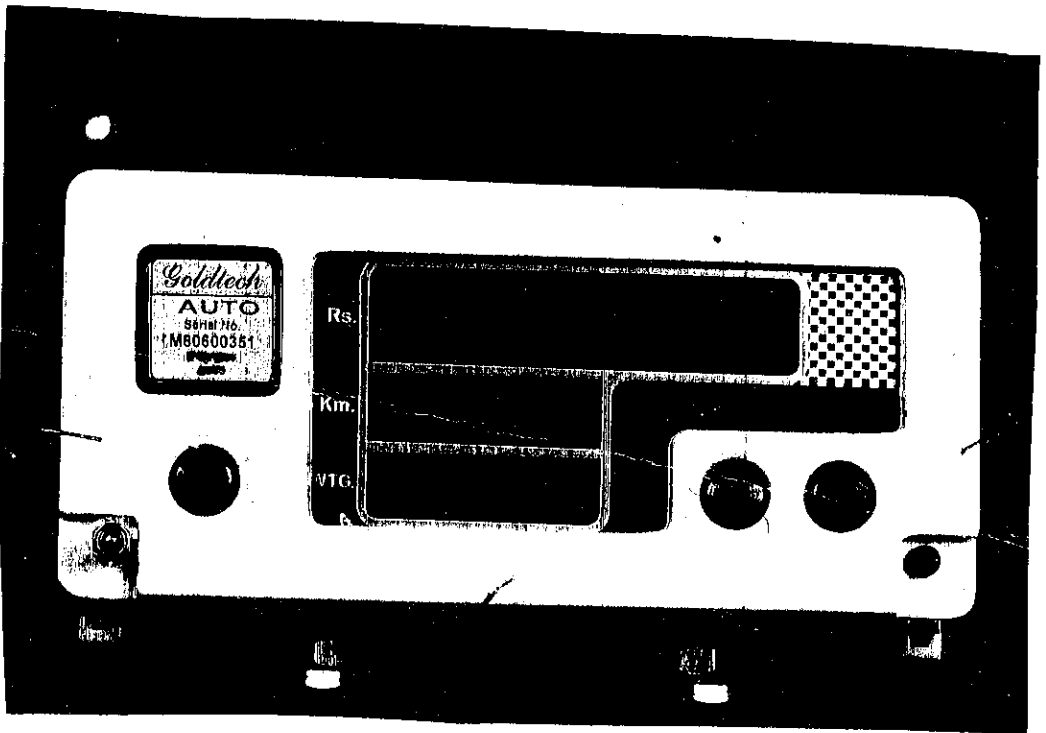
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 22.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स प्रिंसीजन इलेक्ट्रॉनिक इंस्ट्रूमेंट्स कं., एच-45, उद्योग नगर, पीरागढी, नई दिल्ली-110041 द्वारा विनिर्मित “जीईएस टीपीआर” शृंखला के अंकक सूचन सहित, “टैक्सी/आटो फेयर मीटर” के मॉडल का, जिसके ब्रांड का नाम “गोल्ड टैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/491 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल “टैक्सी/आटो फेयर मीटर” थर्मल प्रिंटर की सुविधायुक्त है और समय मापने वाली डेवाइस के साथ लगे अंकक सूचन सहित टैक्सी मीटर का मॉडल है। यह मीटर लगातार योग करता जाता है और यात्री द्वारा देय भाड़े को यात्रा के दौरान किसी भी समय दर्शाता है। देय यात्रा भाड़ा यात्रा के दौरान एक निश्चित निर्धारित स्पीड से ऊपर एवं निर्धारित स्पीड से कम पर व्यतीत किए गए समय के दौरान तय की गई दूरी की प्रक्रिया है। मीटर की रीडिंग लाइट इमीटिंग डायोड (एलईडी) द्वारा दर्शायी जाती है। उपकरण का फेक्टर ‘के’ 770 प्लसेस प्रति किलोमीटर पर चलता है। टैक्सी/आटो फेयर मीटर में किराये और अन्य अपेक्षित तारीख को प्रिंट करने के लिए थर्मल प्रिंटर की सुविधायुक्त है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

कपटपूर्ण व्यवहारों से रोकने के लिए मीटर पर उपलब्ध कराए गए दो सीलिंग नटों पर लीड और सील वायर से सीलबंद किया जाता है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

[फा. सं. डब्ल्यू एम 21 (176)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th December, 2009

S.O. 22.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of "Taxi/Auto Fare Meter" with digital indication (hereinafter referred to as the said Model) of "GEM-TPR" series with brand name "GOLD TECH" manufactured by M/s. Precision Electronic Instruments Co., H-45, Udyog Nagar, Peera Garhi, New Delhi-110041 and which is assigned the approval mark IND/09/08/491;

The said Model of "Taxi/Auto Fare Meter" with thermal printer facility is a measuring instrument which totalizes continuously and indicates the fare, at any moment of journey, the charges payable by the passenger of a public vehicle as function of the distance traveled, and below a certain speed on the length of the time taken; this being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by Light Emitting Diode (LED). The 'K' factor of the Taxi Auto fare meter is 770 pulses per kilometer. The Taxi/Auto fare meter has inbuilt facility of thermal printer to print the fare and other required date.

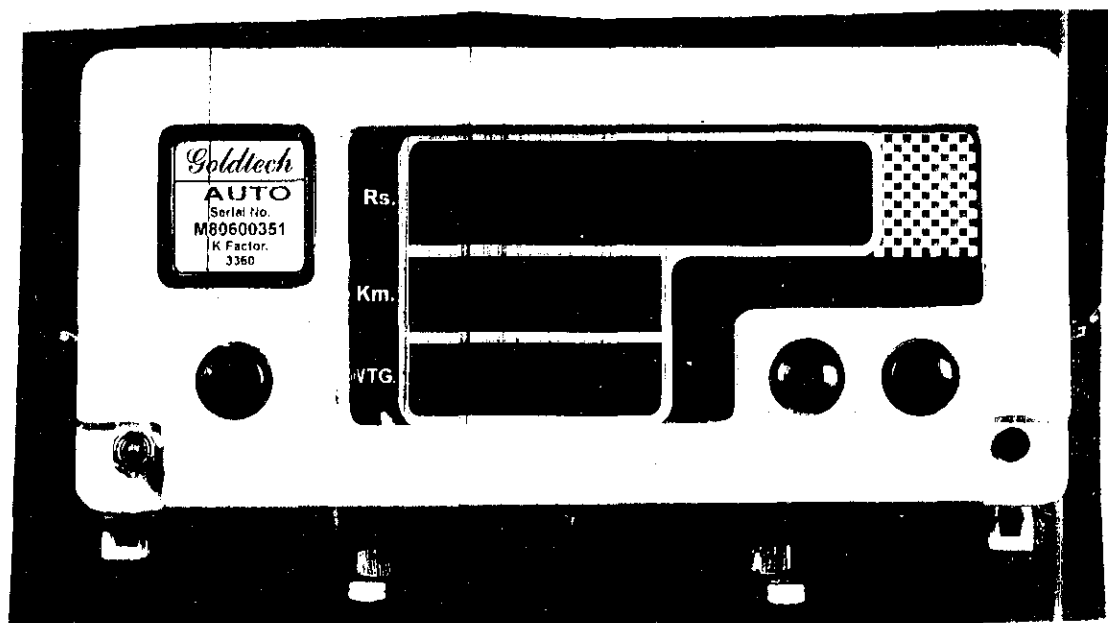


Figure-2 Sealing diagram of the sealing provision of the Model

Two sealing nuts are provided on the meter to seal with lead and seal wire to avoid fraudulent use. A typical schematic diagram of sealing provision of the Model is given above.

[F. No. WM-21 (176)/2008]

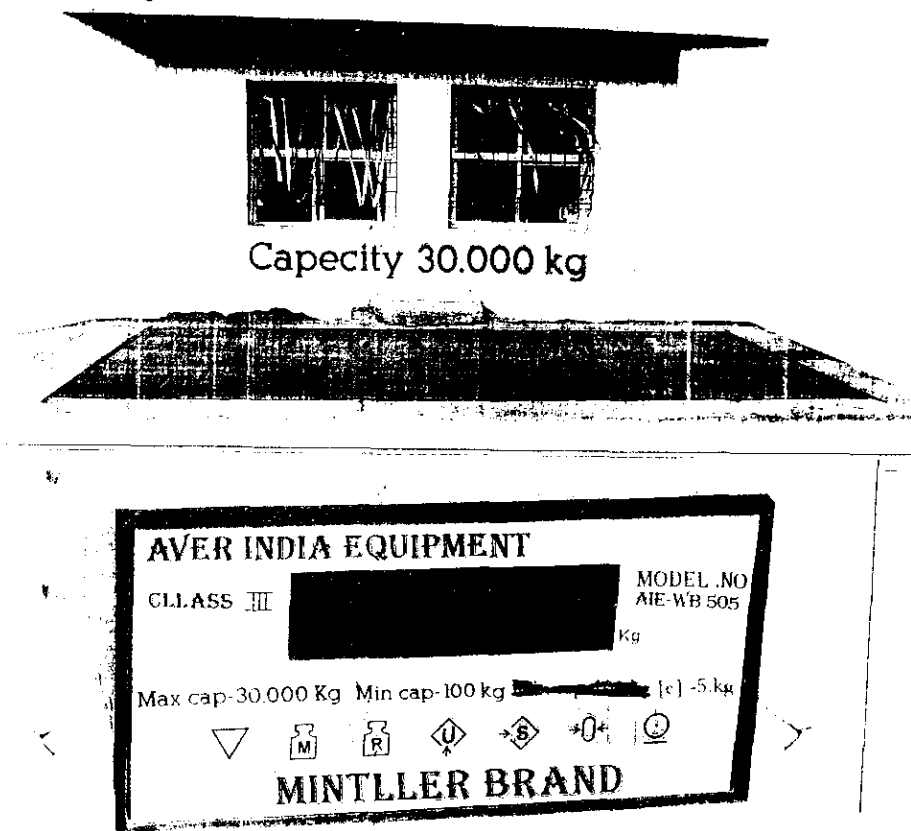
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 23.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स एवर इंडिया इक्विपमेंट, सेलटैक्स ऑफिस के पास, मणीभाईचौक, सावरकुण्डला-364 515, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “ए आई ई-डब्ल्यू बी” शृंखला के अंकक सूचन सहित अस्वचालित (वेब्रिज प्रकार) तोलन उपकरण के माडल का, जिसके ब्रांड का नाम “मिन्टल्लर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/545 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल का सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

इंडीकेटर की तल प्लेट और सामने दिए गए छेदों में से सीलिंग कागज डालकर लोड शीट से स्ट्याम्पिंग प्लेट पर सीलिंग फिक्स की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करता है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मॉडल, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. से उससे अधिक के “ई” मान बाधक (500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 एन से अधिक और 100 टन तक का अधिकतम क्षमता वाले हैं) और “ई” मान 1×10³, 2×10³, 5×10³, 10⁴ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक 20 भाग के समतुल्य हैं।

(का.सं. डब्ल्यू.एम. 21/2014/2008)

आर. कथुरवृथम, निदेशक, विधिक माप विभाग

New Delhi, the 17th December, 2009

S.O. 23.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy class-III) of series "AIE-WB" and with brand name "MINTLLER" (hereinafter referred to as the said model), manufactured by M/s. Aver India Equipment, Near Seltex Office, Manibhai Chowk, Savarkundala-364 515, Gujarat and which is assigned the approval mark IND/09/08/545;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Type) with a maximum capacity of 30tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

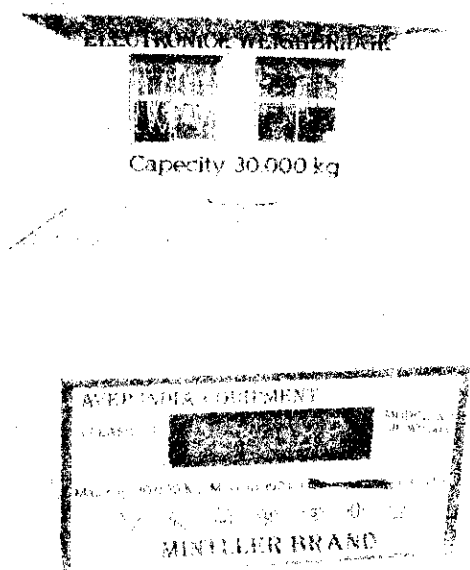


Figure-2—Sealing provision of the indicator of model

Stamping plate is fixed by sealing wire passing through the holes made in the bottom plate and front of the indicator with the lead seal. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 100tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (214)/2008]

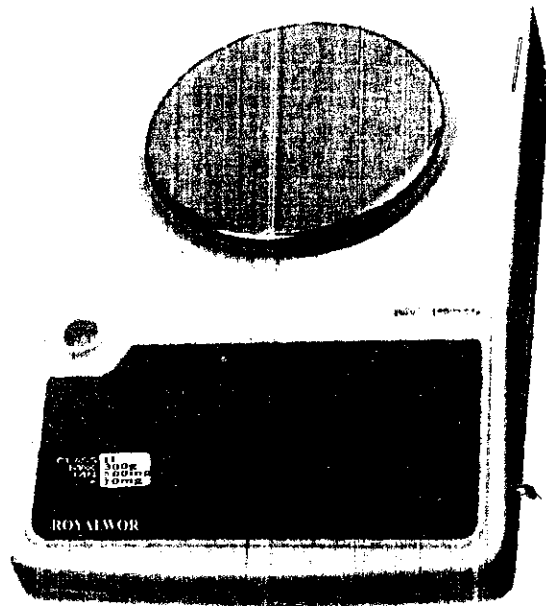
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 दिसम्बर, 2009

का.आ. 24.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स रॉयलवोर इंस्ट्रुमेंट्स, डी. 61/3ए सिद्धार्थगिरीबाग, वाराणसी-221010, उत्तर प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "आर ए टी-3" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रॉयलवोर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/519 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 300 मि.ग्रा. और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



A3996

मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

उपकरण के इंडिकेटर को सीलबंद करने के लिए इसके ढांचे के आधार प्लेट और शीर्ष कवर में छेद किए जाएंगे और बाद में एक लीड वायर को इन छेदों में डाल कर लीड सील द्वारा सील बंद किया जाएगा। सील को तोड़े बिना उपकरण को खोला नहीं जा सकेगा। मॉडल को सीलबंद करने का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (195)/2008]

आर. माथुरबूमथ, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th December, 2009

S.O. 24.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "RAT-3" and with brand name "ROYALWOR" (hereinafter referred to as the said model), manufactured by M/s. Royalwor Instruments, D.61/3A, Siddhagribagh, Varansi-221010, U. P. and which is assigned the approval mark IND/09/08/519;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 300g. and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

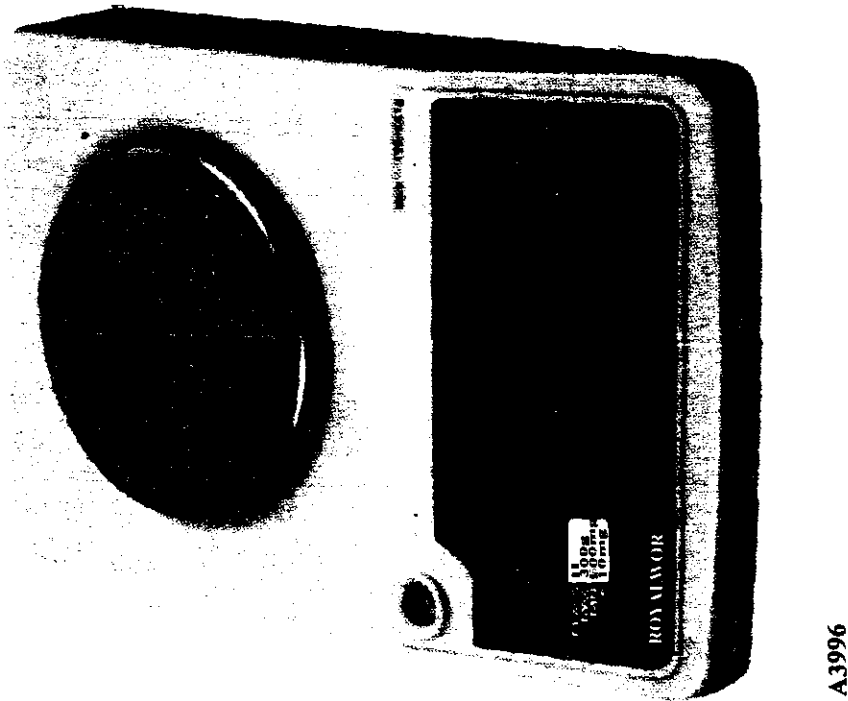


Figure-2 Schematic diagram of the model

For sealing holes are made in the base plate and top cover in the body of the indicator of the instrument and then a lead wire is passed through these holes and sealed by a lead seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (195)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 25.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स श्री वेंकटेश्वर स्केल्ज, नीयर भोरा मस्जिद इतवारी, नागपुर-440 002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एस वी एस डब्ल्यू” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज टाइप) के मॉडल का, जिसके ब्रांड का नाम “ओरेंज” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/73 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज टाइप) है। इसकी अधिकतम क्षमता 40 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

स्टाम्प और सीलिंग के सत्यापन के लिए इंडीकेटर के किसी भी तरफ आउटर और इनर कवर काट कर दो छेद किए गए हैं और इन दोनों छेदों को लीड और वायर से कसा गया है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी/कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (37)/2009]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th December, 2009

S.O. 25.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy class-III) of series "SVSW" and with brand name "ORANGE" (hereinafter referred to as the said model), manufactured by M/s. Shree Venkateswara Scales, Near Bhora Masjid Itwari, Nagpur-440 002 and which is assigned the approval mark IND/09/09/73;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Type) with a maximum capacity of 40tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

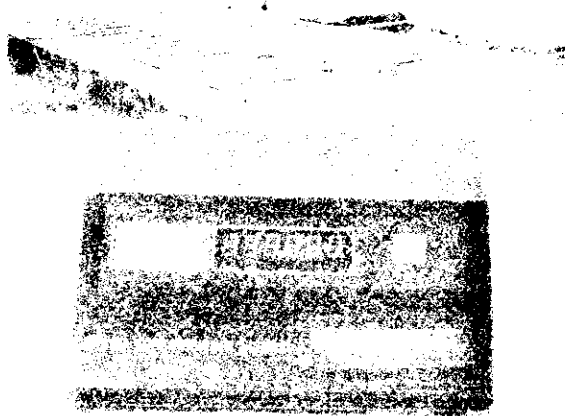


Figure-2 Sealing provision of the indicator of the model

By the either side of the indicator two holes are made by cutting the outer and inner cover and fastened by the lead and wire through these two holes for receiving the verification stamp and seal. The indicator can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (37)/2009]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 26.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स श्री वेंकटेश्वर स्केल्ज, नीयर भोरा मस्जिद इतवारी, नागपुर-440 002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एस वी एस सी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज कनवर्जन किट टाइप) के मॉडल का, जिसके ब्रांड का नाम “ओरेंज” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/74 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज कनवर्जन किट टाइप) है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

इंडीकेटर की बाडी पर तार के साथ स्ट्रॉमिंग प्लेट लगाई गई है जिस पर सीलिंग प्वाइंट लगाया गया है, स्केल की बाडी में से वायर निकाला गया है जिस पर लीड सील है। कपटपूर्ण व्यवहार से तोलन उपकरण को खोले जाने से रोकने के लिए सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी/कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (37)/2009]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th December, 2009

S.O. 26.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Conversion Kit Type) with digital indication of medium accuracy (Accuracy class-III) of series "SVSC" and with brand name "ORANGE" (hereinafter referred to as the said model), manufactured by M/s. Shree Venkateswara Scales, Near Bhora Masjid Itwari, Nagpur-440 002 and which is assigned the approval mark IND/09/09/74;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Conversion Kit Type) with a maximum capacity of 30tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Figure-2 Sealing provision of the indicator of the model

Sealing point is affixed on the stamping plate is fixed on right side body of the indicator with the wire, in such a way that the wire passing from the body of scale with the lead seal. Sealing shall done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (37)/2009]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 27.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स बाबे वेइंग सिस्टम प्रा. लि., 115, शकुन्तला काम्पलेक्स, नर्मदापारा, गुधीयारी, रायपुर-492 001, छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “बी डब्ल्यू एस-टीबी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “बाबे” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/527 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

भार तोलन स्केल के बाईं ओर से दो छेद ऊपरी भाग और तल प्लेट को काटते हुए इन दोनों छेदों में लीड और वायर से बाँधकर स्टाम्प और सील का सत्यापन किया जाता है। सील तोड़ बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (201)/2008]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th December, 2009

S.O. 27.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "BWS-TB" series of medium accuracy (Accuracy class-III) and with brand name "BABE" (hereinafter referred to as the said model), manufactured by M/s. Babe Weighing System Pvt. Ltd., 115, Shakuntala Complex, Narmadapara, Gudhiyari, Raipur-492 001, C.G. and which is assigned the approval mark IND/09/08/527;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

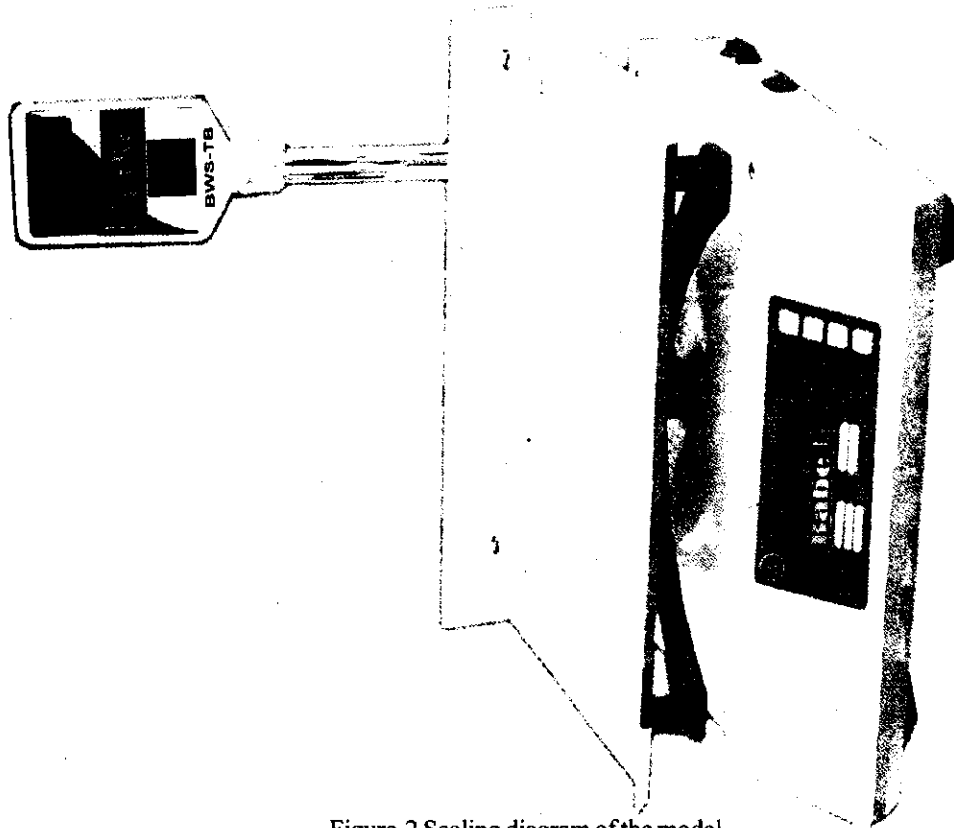


Figure-2 Sealing diagram of the model

From the left side of the weighing scale two holes are made by cutting the upper cover and bottom plate and fastened the lead and wire through these two holes for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (201)/2008]

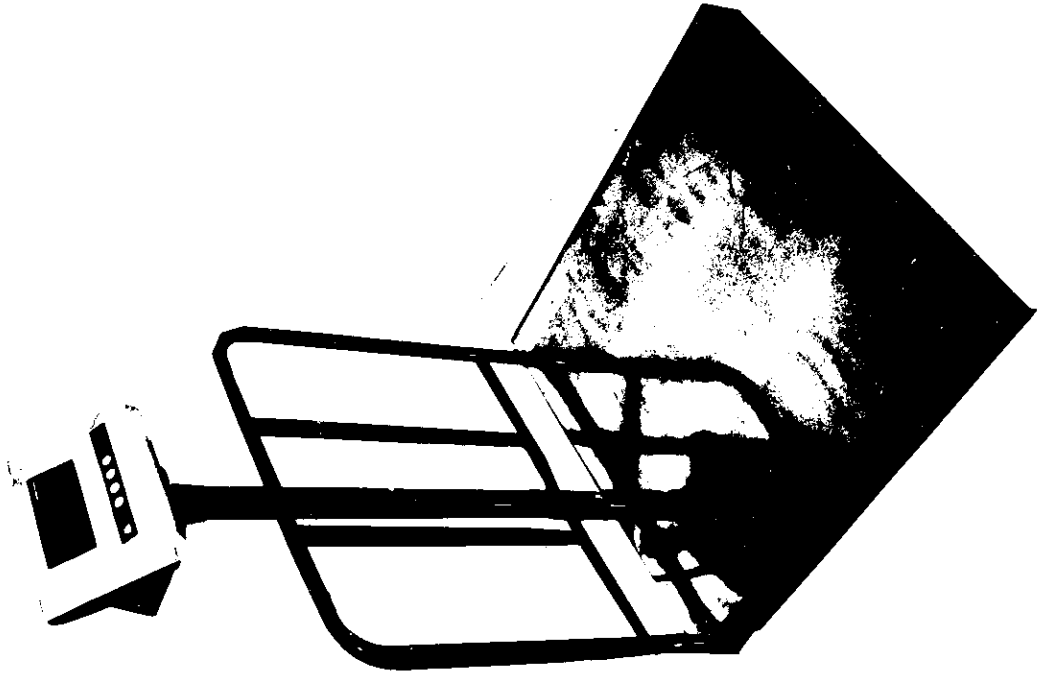
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 28.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स बाबे वेइंग सिस्टम प्रा. लि., 115, शकुन्तला काम्पलेक्स, नर्मदापारा, गुधियारी, रायपुर-492 001, छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “बीडब्ल्यूएस-टीबी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “बाबे” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/528 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल को सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

भार तोलन स्केल के बाईं ओर से दो छेद ऊपरी भाग और तल प्लेट को काटते हुए इन दोनों छेदों में लीड और वायर से बाँधकर स्टाम्प और सील का सत्यापन किया जाता है। सील को तोड़ें बिना उपकरण को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबन्ध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (201)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th December, 2009

S.O. 28.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "BWS-PT" and with brand name "BABE" (hereinafter referred to as the said model), manufactured by M/s. Babe Weighing System Pvt. Ltd., 115, Shakuntala Complex, Narmadapara, Gudhiyari, Raipur-492 001, C.G. and which is assigned the approval mark IND/09/08/528;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

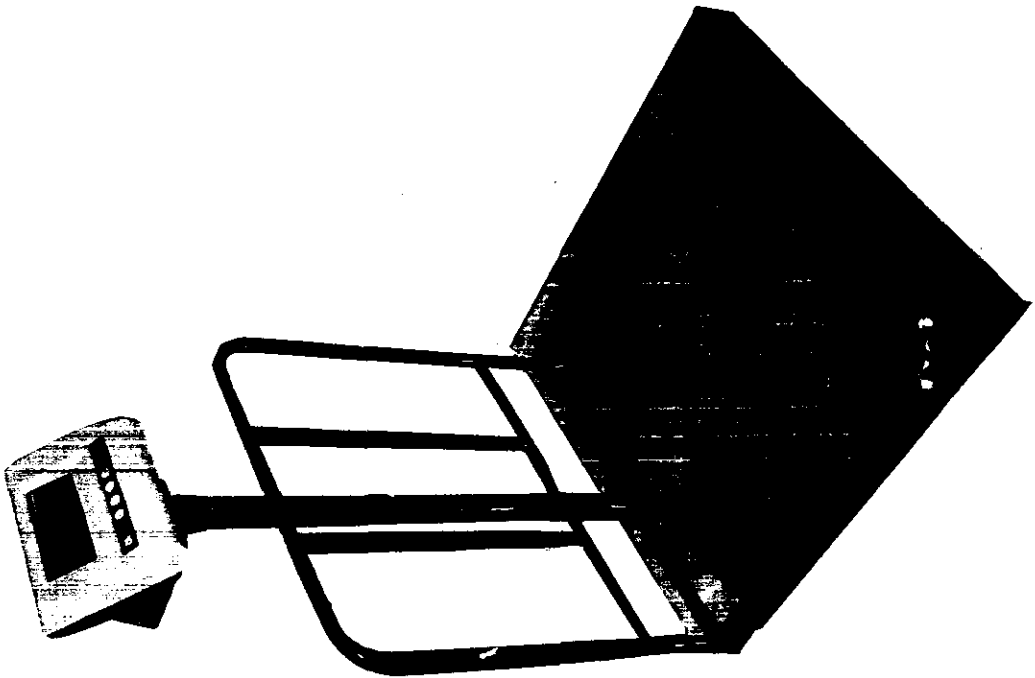


Figure-2 Sealing provision of the indicator of model

From the left side of the indicator two holes are made by cutting the upper cover and bottom plate and fastened the lead and wire through these two holes for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (201)/2008]

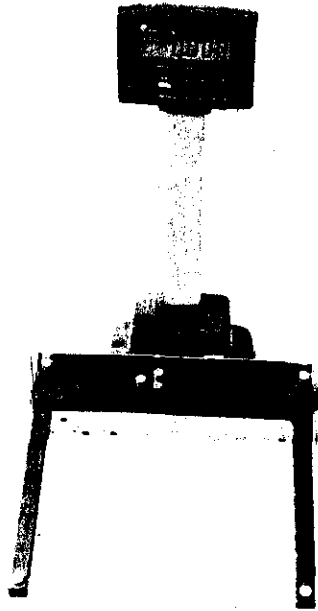
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 29.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः. अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टेराओका सिको कं. लि., # 13, 12, कुगाहारा 5 चरोमे ओहटा केयू, टोक्यो-146-8580 जापान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डीएस-980” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक टेबलटाप टाइप स्केनर कम वेइंग स्केल डुअल रेंज सहित) के मॉडल का, जिसके ब्रांड का नाम “डीआईजीआई” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स एसे-टेराओका लि., नं. 377/22, छठा क्रास, विल्सन गार्डन, बेंगलूर-560 027 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/08/160 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (इलेक्ट्रॉनिक टेबलटाप टाइप स्केनर कम वेइंग स्केल डुअल रेंज सहित) तोलन उपकरण है। इसकी अधिकतम क्षमता 15 कि.ग्रा. है और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. 6 कि.ग्रा. तक और 5 ग्रा. से 6 कि.ग्रा. से अधिक 15 कि.ग्रा. तक। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। सामान्यतः तोलन के अतिरिक्त, वेइंग स्केल को उत्पाद या पैकेज को जब पलेटन पर रखा जाता है तो स्केनिंग के प्रयोग में भी लाया जाता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

उपकरण में दिए गए छेदों में से लीड और तार बाँध कर सील किया जाता है। उपकरण को सील तोड़े बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (68)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th December, 2009

S.O. 29.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (electronic tabletop type scanner cum-weighing scale with dual range) with digital indication of "DS-980" series of medium accuracy (accuracy class-III) and with brand name "DIGI" (hereinafter referred to as the said model), manufactured by M/s. Teraoka Seiko Co. Ltd., #13, 12, Kugahara 5 Chrome Ohta KU Tokyo-146-8580, Japan and marketed in India without any alteration before or after sale M/s. Essae-Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560 027 and which is assigned the approval mark IND/09/08/160;

The said model is a strain gauge type load cell based non-automatic weighing instrument (electronic tabletop type scanner cum-weighing scale with dual range) with a maximum capacity of 15kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. up to 6kg. and 5g above 6kg. and up to 15kg. It has a tare device with a 100 percent subtractive retained tare effect. The liquid crystal diode (LCD) display indicates the weighing result. Apart from normal weighing, the weighing scale can be used for scanning of the product or package when placed on the platen. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

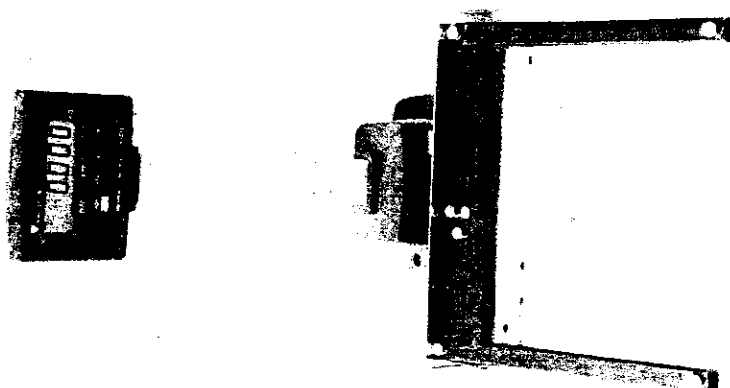


Figure-2 Schematic diagram of the model.

The instrument is sealed by means of lead and wire fastened through the holes provided in the instrument. The instrument cannot be opened without breaking the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (68)/2008]

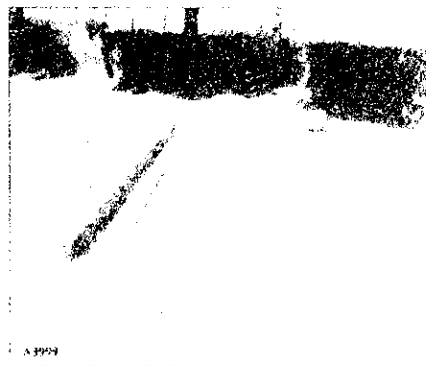
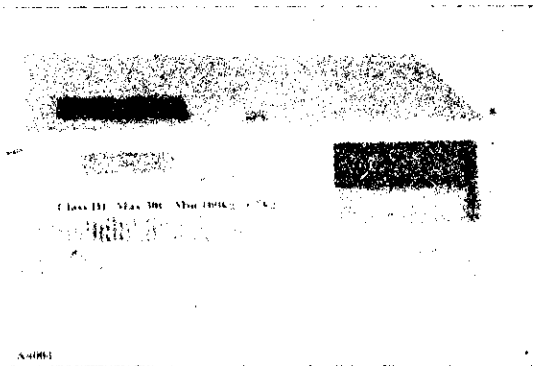
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 दिसम्बर, 2009

का.आ. 30.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए, मैसर्स वेदरानिक्स वेइंग सिस्टम, ब्लाक नं. 9, महाबीर इंडस्ट्रियल कोरपोरेशन, भानपुरी, रायपुर, छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “पीएचडब्ल्यू” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “फिलिप्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/454 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज किट) का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 सीलिंग प्रावधान

उपकरण के सूचक के आधार प्लेट और शीर्ष कवर में छेद करते हुए सील किया जाएगा। तत्पश्चात् इन छेदों में सील वायर डाली जाएगी और एक लीड सील लगाई जाएगी। सील को तोड़े बिना उपकरण को खोला नहीं जा सकेगा। मॉडल को सीलबंद करने के उपबंध का एक योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (150)/2008]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th December, 2009

S.O. 30.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge Type) with digital indication of medium accuracy (Accuracy class-III) of series "PHW" and with brand name "PHILLIPES" (hereinafter referred to as the said model), manufactured by M/s. Weightronics Weighing System, Block No. 9, Mahabeer Industrial Corporation, Bhanpuri, Raipur, C.G. and which is assigned the approval mark IND/09/08/454;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge Type) with a maximum capacity of 30tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply

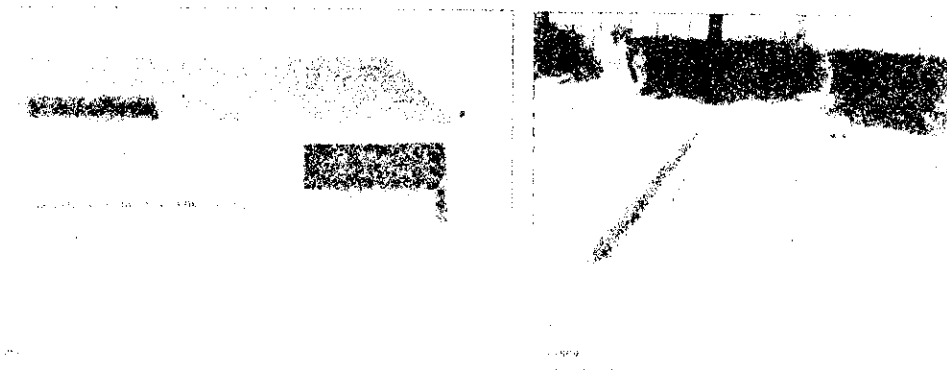


Figure-2 Schematic provision of the indicator of the model

Sealing can be done by making holes in the base plate and top cover of the indicator of the instrument, then a seal wire is passed through these holes and a lead seal is applied. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (150)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 22 दिसम्बर, 2009

का.आ. 31.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु. वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8) (9)
1.	सीएम/एल-6969106	07-09-2009	अक्षया पम्पस प्राइवेट लिमिटेड ए 144 तीसरा क्रॉस पहली स्टेज पीन्या इंडस्ट्रियल एस्टेट बेंगलूर-560058, बेंगलूर अरबन कर्नाटक	निमज्जनीय पम्प सेट के मोटर	भामा 9283	-	- 1995
2.	सीएम/एल-6969611	09-09-2009	राजलक्ष्मी जेवेलर्स मेन रोड, नियर आंजनिया मंदिर, मागडी टाउन, जिला-रामनगर बेंगलूर अरबन रामनगर, कर्नाटक-562120	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मार्किंग	भामा 1417	-	- 1999
3.	सीएम/एल-6970390	11-09-2009	श्री गणेश डाइमंड एंड जेवेलरी नं. 335/28 एवं 29 पहला "एन" ब्लॉक, विद्या वर्धक स्कूल, राजाजीनगर, बेंगलूर बेंगलूर अरबन, कर्नाटक-560010	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मार्किंग	भामा 1417	-	- 1999
4.	सीएम/एल-6970188	11-09-2009	इयूरो स्प्रिंग वाटर प्राइवेट लिमिटेड नं. 56, 57 और 58, प्लॉट नं. 171, मारगुंडनहल्ली विलेज, बिद्रहल्ली, होब्ली के. आर. पुरम, बेंगलूर-560047 कर्नाटक	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	भामा 14543	-	- 2004
5.	सीएम/एल-6972192	14-09-2009	श्री लक्ष्मी एंटरप्राइजेज प्लॉट नं. 37, इंधाल नगर, शीन्डोली, बेलगाम कर्नाटक	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	भामा 14543	-	- 2004
6.	सीएम/एल-6970895	17-09-2009	पद्मावति सीमेंट इंडस्ट्रीज एम.बी. नं. 8-5-न 491, गदग रोड, कोप्पल-583231 कर्नाटक	पोर्टलैंड धातुमल सीमेंट	भामा 455	-	- 1989
7.	सीएम/एल-6971901	18-09-2009	कविता सोलार सिस्टम्स नं. 12/1, पहली मंजिल, नियर चौथा क्रॉस, पहली स्टेज, पीन्या इंडस्ट्रियल एस्टेट बेंगलूर, कर्नाटक-560058	सौर सपाट पट्टिका संग्राहक- विशिष्ट, भाग 1 अपेक्षाएं	भामा 12933	1	- 2003

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	सीएम/एल-6972802	22-09-2009	सन टेक इंडस्ट्रिज नं. 403, सत्रवां क्रॉस, तीसवां मैन रोड, जे.पी. नगर, छठा फेस, बेंगलूर अरबन, बेंगलूर, कर्नाटक-560078	सौर सपाट पट्टिका संग्राहक- विशिष्ट, भाग 1 अपेक्षाएं	भामा 12933	1	-	2003
9.	सीएम/एल-6972903	22-09-2009	मेसर्स कतरिया ब्रदर्स जेवेलर्स नं. 12/1, छठा क्रॉस, सेंट मैरिज रोड, एन.आर. मोहल्ला, मैसूर, जिला-मैसूर कर्नाटक-570007	स्वर्ण तथा स्वर्ण मिश्र धातुएं आभूषण/शिल्पकारी शुद्धता एवं मार्किंग	भामा 1417	-	-	1999
10.	सीएम/एल-6974503	30-09-2009	कानराड कार्पोरेशन नं. 103, टिम्बर यार्ड लेआउट, मैसूर रोड, बेंगलूर, बेंगलूर अरबन, कर्नाटक-560026	डॉमेस्टिक प्रेशर कूकर्स	भामा 2347	-	-	2006

[सं. सी एम डी/13:11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

BUREAU OF INDIAN STANDARDS

New Delhi, the 22nd December, 2009

S.O. 31.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particular of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	CM/L-6969106	07-09-2009	Akshaya Pumps Pvt. Ltd. A 144 3rd Cross 1st Stage Peenya Industrial Estate Bangalore-560058, Bangalore Urban Karnataka	Motors for submersible pumpsets	IS: 9283	-	-	1995
2.	CM/L-6969611	09-09-2009	Rajalakshmi Jewellers Main Road, Near Anjaneya Temple, Magadi Town, Ramanagara-DT Bangalore Urban Ramanagara, Karnataka-562120	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	IS: 1417	-	-	1999
3.	CM/L-6970390	11-09-2009	Sri Ganesh Diamonds & Jewellery No. 335/28 & 29, 1st "N" Block, Vidya Vardhaka School, Rajajinagar, Bangalore, Bangalore Urban Karnataka-560010	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking	IS: 1417	-	-	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
4.	CM/L-6970188	11-09-2009	Euro Spring Water Pvt. Ltd. No. 56, 57 & 58, Plot No. 171, Margondanahalli, Village, Bidrahalli Hobli, K. R. Puram, Bangalore-560 047, Karnataka	Packaged drinking water (other than packaged natural mineral water)	IS: 14543	-	-	2004
5.	CM/L-6972192	14-09-2009	Shri Laxmi Enterprises, Plot No. 37, Indhal Nagar, Shindoli, Belgaum, Karnataka	Packaged drinking water (other than packaged natural mineral water)	IS: 14543	-	-	2004
6.	CM/L-6970895	17-09-2009	Padmavathi Cement Industries, M.B. No. 8-5-491, Gadag Road, Koppal-583 231 Karnataka	Portland slag cement	IS: 455	-	-	1989
7.	CM/L-6971901	18-09-2009	Kavitha Solar Systems No. 12/1, First Floor, Near 4th Cross, 1st Stage, Peenya Industrial Estate, Bangalore Urban, Bangalore, Karnataka-560 058	Solar flat plate collector- part I requirements	IS: 12933	-	-	2003
8.	CM/L-6972802	22-09-2009	Sun Tech Industries, No. 403, 17th Cross, 30th Main Road, J.P. Nagar, 6th Phase, Bangalore Urban, Bangalore, Karnataka-560078	Solar flat plate collector- part I requirements	IS: 12933	1	-	2003
9.	CM/L-6972903	22-09-2009	Katariya Brothers Jeweller No. 12/1, 6th Cross, Saint Marys Road, N.R. Mohalla, Mysore, Karnataka-570 007	Gold and gold alloys, Jewellery/artefacts- fineness and marking	IS: 1417	-	-	1999
10.	CM/L-6974503	30-09-2009	Kanrad Corporation, No. 103, Timber Yard Layout, Mysore Road, Bangalore, Bangalore Urban, Karnataka-560 026	Domestic pressure cookers	IS: 2347	-	-	2006

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 22 दिसम्बर, 2009

का.आ. 32.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उप विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	7860792	क्लासिक अकुआ, गट संख्या 962/2, एट पोस्ट अदारकी, तालुका फलटन, जिला सातारा	आई एस 14543 : 2004 पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	21-8-2009

[संख्या सी एम डी/13 : 13]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 22nd December, 2009

S.O. 32.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licences No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
1.	7860792	Classic Aqua, Gat No. 926/2, At Post Adarki, Taluka Phaltan, District Satara	IS 14543 : 2004 Packaged Drinking Water (Other than packaged natural mineral water)	21-08-2009

[No. CMD/13:13]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 22 दिसम्बर, 2009

का.आ. 33.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उप विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसें को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1	सीएम/एल-6447981	स्टॉवक्राफ्ट प्राइवेट लिमिटेड नं. 81/1, मेदामारनाहल्ली, हारोहल्ली होब्ली, कनकपुरा तालुक, जिला रामनगर, कर्नाटक-562 112	भामा 2347 : 2006 डॉमेस्टिक प्रेशर कुकर्स	27-8-2009

[संख्या सी एम डी/13 : 13]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 22nd December, 2009

S.O. 33.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licences No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
1.	CM/L-6447981	Stovekraft Pvt. Ltd. No. 81/1, Medaramaran Halli, Harohalli Hobli, Kanakapura Taluk, Ramanagara Distt. Karnataka-562 112	IS 2347 : 2006 domestic pressure cookers	27-08-2009

[No. CMD/13:13]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 22 दिसम्बर, 2009

का.आ. 34.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि, वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भामा संख्या	भाग	अनु	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	सीएम/एल-6957196	04-08-2009	जे.एस.डब्ल्यू सिमेंट लिमिटेड विजय नगर वर्क्स पी.ओ. विद्यानगर तोरणगल्लु बेल्लारी-583275 जिला-बेल्लारी, कर्नाटक	पोर्टलैंड स्लैग सिमेंट	भामा: 455	-	-	1989
2.	सीएम/एल-6957402	05-08-2009	श्री कृष्णा जेवेलर्स सोलंकी निवास, पुराना बस स्टॉप, मेन रोड, देवनहल्ली टाऊन, बेंगलूर, बेंगलूर अरबन कर्नाटक-562110	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मार्किंग	भामा: 1417	-	-	1999
3.	सीएम/एल-6957503	05-08-2009	उत्सव जेवेलर्स # 39, जुम्मा मस्जिद रोड, अवन्तु रोड क्रॉस, बेंगलूर जिला-बेंगलूर अरबन कर्नाटक-560002	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मार्किंग	भामा: 1417	-	-	1999
4.	सीएम/एल-6957604	05-08-2009	श्री मारुती जेवेलरी मार्ट मार्केट स्क्वायर, नेलमंगला, बेंगलूर बेंगलूर रूरल कर्नाटक-562123	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मार्किंग	भामा: 1417	-	-	1999
5.	सीएम/एल-6958101	07-08-2009	एस. एस. हेल्थ प्रोडक्ट्स नं. 4/4 ए, गब्बाडी कावल विलेज, कगलहल्ली पोस्ट हारोहल्ली होब्ली, कनकपुरा तालुक रामनगर-562112 कर्नाटक	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	भामा: 14543	-	-	2004
6.	सीएम/एल-6958606	10-08-2009	अक्वा केयर मिनरल (इंडिया) नं.-110, सयद ब्लॉक, 5 वां क्रॉस, अन्नासंद्रापाल्या, एचएएल पोस्ट बेंगलूर-560017 कर्नाटक	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	भामा: 14543	-	-	2004
7.	सीएम/एल-6961288	17-08-2009	प्रकाश जेवेलर्स नं. 325, ओ.पी.एच. रोड, जुम्मा मस्जिद रोड बेंगलूर बेंगलूर अरबन कर्नाटक-560051	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मार्किंग	भामा: 1417	-	-	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	सीएम/एल-6963797	24-08-2009	मलबार रूबी (प्रा.) लिमिटेड नं. 2927 (नया नं. एल-16 & एल-16ए) बेंगलूर-नीलगिरी रोड, एवं मार्किंग लक्ष्मकर मोहल्ला, मैसूर-570001 कर्नाटक	स्वर्ण तथा स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मार्किंग	भामा: 1417	-	-	1999
9.	सीएम/एल-6963801	24-08-2009	रिखवदास तेजमलशाह 73/ए & 74/ए, तेजमानी बिल्डिंग अशोक नगर, निपानी, बेलगाम कर्नाटक-591237	चाँदी तथा भादी मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मार्किंग	भामा: 2112	-	-	2003
10.	सीएम/एल-6967203	24-08-2009	शांद पाइप्स इंडस्ट्र प्राइवेट लिमिटेड खाता नं. 209/394, सर्वे नं. 14 चंदापुरा विलेज होसूर मेन रोड अतिबेले होब्ली अनेकल तालुक बेंगलूर रूरल बेंगलूर, कर्नाटक-560081	संवातन और वर्षा के पानी के तन्त्र सहित भवनों के अन्दर की मिट्टी तथा अपशिष्ट निरावेशन तन्त्र के लिए अनम्यकृत पी वी सी पाइपें	भामा: 13592	-	-	1992
11.	सीएम/एल-6965397	28-08-2009	जे एस डब्ल्यू स्टील लिमिटेड तोरणगल्लु पी.ओ. विद्यानगर बेल्लारी-583275 कर्नाटक	हाई स्ट्रेंथ डिफॉर्मड स्टील बारस एंड वायर्स फॉर कॉंक्रीट रिन्फोर्समेंट	भामा: 1786	-	-	2008
12.	सीएम/एल-6967102	28-08-2009	एडवांस केबल्स टेक्नोलॉजिस (प्रा.) लिमिटेड नं. 10 तथा 14, सर्वे नं. 95 के.आई.ए.डी.बी. इंडस्ट्रियल एरिया डोड्डबेल्लापुर बेंगलूर, रूरल, कर्नाटक-561203	पी वी सी इन्सुलेटेड केबल्स फॉर 1100 V तक एवं सम्मिलित वकिंग वोल्टेजस	भामा : 694			1990

[संख्या सी एम डी/13 : 11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 22nd December, 2009

S.O. 34.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particular of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the party	Title of the Standard	IS No.	Part	Sec	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	CM/L-6957196	04-08-2009	JSW Cement Ltd. Vijay Nagar Works P.O. Vidya Nagar Toranagallu Bellary-583275 Karnataka	Portland slag cement	IS : IS 455	-	-	1989
2.	CM/L-6957402	05-08-2009	Shri Krishna Jewellers Solanki Nivas, Old Bus Stop, Main Road, Devenahali Town, Bangalore Bangalore Urban Karnataka-562110	Gold and Gold alloys, jewellery/artefacts fineness and marking	IS : 1417	-	-	1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3.	CM/L-6957503	05-08-2009	Utsav Jewellers # 39, Jumma Masjid Road, Avenue Road Cross, Bangalore Bangalore Urban Karnataka-560002	Gold and Gold alloys, jewellery/artefacts fineness and marking	IS: 1417	-	-	1999
4.	CM/L-6957604	05-08-2009	Sri Maruthi Jewellery Mart Market Square, Nelamangala Bangalore Bangalore Rural Karnataka-562123	Gold and Gold alloys, jewellery/artefacts fineness and marking	IS: 1417	-	-	1999
5.	CM/L-6958101	07-08-2009	S.S. Health Products No. 4/4A, Gabbadi Kaval Village, Kaggalahalli Post, Harohalli Hobli, Kanakapura Taluk, Ramanagara-562112, Bangalore Rural Karnataka	Packaged drinking water (other than packaged natural mineral water)	IS: 14543	-	-	2004
6.	CM/L-6958606	10-08-2009	Aqua Care Mineral (India) No. 110, Syed Block, 5th Cross, Annasandrapalya, Hal Post Bangalore Urban Bangalore-560017 Karnataka	Packaged drinking water (other than packaged natural mineral water)	IS: 14543	-	-	2004
7.	CM/L-6961288	17-08-2009	Prakash Jewellers No. 325, O.P.H. Road, Jamma Masjid Road, Bangalore Bangalore Urban Karnataka-560051	Gold and Gold alloys, jewellery/artefacts fineness and marking	IS: 1417	-	-	1999
8.	CM/L-6963797	24-08-2009	Malabar Ruby (P) Ltd. No. 2927, (New No. L-16 & L-16A) Bangalore Neelagiri Road, Lashkar Mohalla, Mysore-570001 Karnataka	Gold and Gold alloys, jewellery/artefacts fineness and marking	IS: 1417	-	-	1999
9.	CM/L-6963801	24-08-2009	Rikhavdas Tejmal Shah 73/A & 74/A, Tejmani Building Ashok Nagar, Nipani Belgaum Karnataka-591237	Silver and Silver alloys, jewellery/artefacts fineness and marking	IS: 2112	-	-	2003
10.	CM/L-6967203	24-08-2009	Shand Pipe Industry Pvt. Ltd. Katha No. 209/394, SY No. 14, Chandapura Village Hosur Main Road Attibele Hobli Anekal Taluk	Upvc pipes for soil and waste discharge systems inside buildings including ventilation and rainwater system	IS: 13592	-	-	1992

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
11.	CM/L-6965397	28-08-2009	Bangalore Rural Bangalore Karnataka-560081 JSW Steel Ltd. Toranagallu P.O. Vidya Nagar Bellary-583275 Karnataka	High strength deformed steel bars and wires for concrete reinforcement	IS:1786	-	-	2008
12.	CM/L-6967102	28-08-2009	Advance Cable Technologies (P) Ltd. No. 10 & 14, Survey No. 95, Kiadb Industrial Area Doddaballapur Bangalore Rural Karnataka-561203	Pvc insulated cables for working voltages upto and including 1100v	IS:694	-	-	1990

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 22 दिसम्बर, 2009

का.आ. 35.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7959411	24-7-2009	प्रसीसियन इनामेल प्रा.लि. सं.नं.59/2सी/1बी सैदापुर जिला सातारा-415002 महाराष्ट्र ।	पिटवां एल्यूमिनियम के बर्तन भाग 1 : भोजन पकाने, परोसने और रखने के बर्तन	1660	1	-	1982
2.	7942188	15-7-2009	कृष्णा फिल्टर्स एच.एन.8/193 न्यू मौंधा जिला हिंगोली-431513 महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
3.	7960190	29-7-2009	एसवीआर इंडस्ट्रीज सं.नं. 25 एट पोस्ट नांदेड, तालुका हवेली जिला-पुणे-411041 महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
4.	7960392	30-7-2009	मेग्नेविन मेग्नेटिक्स प्लॉट नं. एल-49 एमआईडीसी कुपवाड, तालुका मिरज जिला सांगली-416436 महाराष्ट्र ।	एसी पावर सिस्टम के लिए शंट केपीसीटर्स नॉनसेल्फ हीलिंग के लिए रेटेड वोल्टेज 1:00 वोल्ट तक और सहित ।	13585	01	-	1994

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5.	7960897	3-8-2009	श्री कृष्णा ज्वैलर्स 12, मगर अली हडपसर जिला पुणे-411028 महाराष्ट्र ।	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मुहरांकन ।	1417	-	-	1999
6.	7930585	5-8-2009	पैराडाइस इंडस्ट्रीज प्लॉट नं. डब्ल्यू-20 एमआईडीसी जिला परभणी महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद मिनरल जल के अलावा)	14543	-	-	2004
7.	7961802	5-8-2009	टेक्नोहीट मैनुफैक्चरिंग एंड कंट्रोल सं.नं.17, हिस्सा नं.1/1/5/1 कोंढवा बीके जिला पुणे-411048 महाराष्ट्र ।	छोटे घरेलू वॉटर हीटर एलपीजी प्रयोग सहित ।	15558	-	-	2005
8.	7962295	7-8-2009	नेशनल पाइप्स प्लॉट नं एन 2, एमआईडीसी तालुका अहमदनगर जिला अहमदनगर 414111 महाराष्ट्र ।	सिंचाई उपकरण -इमीटर्स	13487			1992
9.	7946297	23-7-2009	शंकरा ब्रेवरेजेज ए-5, अतिरिक्त एमआयडीसी जिला लातूर 413512 महाराष्ट्र ।	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
10.	7962905	7-8-2009	मीनाक्षी फैरो इन्गोर्ट्स प्रा.लि. गट संख्या 350 और 361 भांडगांव, खोर रोड यवत, तालुका दौंड जिला पुणे-412214 महाराष्ट्र ।	हॉट रोल्ड कम/मध्यम/उच्च संरचना कार्यों के लिए इस्पात	2062			2006
11.	7963095	7-8-2009	मीनाक्षी फैरो इन्गोर्ट्स प्रा.लि. गट संख्या 350 और 361 भांडगांव, खोर रोड यवत, तालुका दौंड जिला पुणे-412214 महाराष्ट्र ।	संरचना इस्पात में पुनर्वैलन के लिए उद्देश्यों के लिए कार्बन इस्पात के कॉस्ट बिलेंटें, ब्लूमें और स्लैब	2830			1992
12.	7963301	11-8-2009	लक्ष्मी ज्वैलर्स 435 मैन रोड तलेगांव धामधीरे, तालुका शिरूर जिला पुणे-412208 महाराष्ट्र ।	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मुहरांकन ।	1417			1999
13.	7963705	12-8-2009	ललित सराफ एंड ज्वैलर्स दुकान नं. 4, दत्त प्लेस,	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
			बालाजी नगर, पुणे-सातारा रोड धनकवडी जिला पुणे-411043 महाराष्ट्र ।	एवं मुहरांकन ।				
14.	7964808	13-8-2009	अमृतलाल प्रेमचंद 56, यरवाडा बाजार मारुति मंदिर के सामने जिला पुणे-411006 महाराष्ट्र ।	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मुहरांकन ।	1417			1999
15.	7965709	04-8-2009	शासकीय दुग्ध योजना उदयगीर सं. नं. 291, बीदर रोड उदयगीर जिला लातूर-413 517	मलाई निकाला हुआ दूध पाउडर भाग 1 मानक श्रेणी	13334	01		1998
16.	7965911	20-8-2009	नंदलाल ज्वैलर्स 213, शिम्पी लेन गांधी चौक के पास हडपसर गांव पुणे-411028 महाराष्ट्र ।	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता एवं मुहरांकन ।	1417			
17.	7965608	18-8-2009	मोहक एगो इंडस्ट्रीज प्लॉट नं. 1, इंडस्ट्रीयल इस्टेट नगर-पुणे रोड, केडगांव तालुका अहमदनगर जिला अहमदनगर 414005 महाराष्ट्र ।	सिंचाई उपकरण-इमीटर्स	13487			1992
18.	7966105	21-8-2009	सुरुचि फूड्स एंड नेचरेज सं. नं. 97/1 रामटेकडी इंडस्ट्रीयल इस्टेट हडपसर तालुका हवेली जिला पुणे-411013 महाराष्ट्र ।	पैकजबंद पेयजल (पैकजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
19.	7966408	17-8-2009	श्री रामा सीमेंट इंडस्ट्री प्लॉट नं. बी-80/81 एमआईडीसी, उमारगा जिला उस्मानाबाद-413606 महाराष्ट्र ।	पोर्टलैंड धातुमल सीमेंट	455			1989
20.	7966711	24-8-2009	नेशनल पाइप्स प्लॉट नं. एन 2, एमआईडीसी तालुका अहमदनगर जिला अहमदनगर-414111 महाराष्ट्र ।	सिंचाई उपकरण-सिंचाई लेटरल्स के लिए पॉलीथिलीन पाइप्स ।	12786			1989

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
21.	7966812	25-8-2009	मोहक एगो इंडस्ट्रीज प्लॉट नं.1 इंडस्ट्रीय इस्टेट नगर-पुणे रोड, केडगांव, तालुका अहमदनगर जिला अहमदनगर-414005 महाराष्ट्र ।	सिंचाई उपकरण-सिंचाई लेटरल्स के लिए पॉलीथिलीन पाइप्स ।	12786			1989

[सं. सी एम डी /13:11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 22nd December, 2009

S.O. 35.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name & Address of the party	Title of the Standard	IS No.	Part	Sec	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7959411	24-7-2009	Precision Enamel Pvt.Ltd., S. No. 59/2C/1B, Saidapur, District Satara-415 002 Maharashtra.	Wrough Aluminium Utensils-Part I: Cooking tables, serving storing and baking utensils	1660	1	-	1982
2.	7942188	15-7-2009	Krushna Filters, H. No. 8/193, New Mondha, District Hingoli-431 513 Maharashtra.	Packaged drinking water (Other than packaged natural mineral water)	14543	-	-	2004
3.	7960190	29-7-2009	SVR Industries, S. No. 25, At Post Nanded, Taluka Haveli, District Pune-411041 Maharashtra.	Packaged drinking water (Other than packaged natural mineral water)	14543	-	-	2004
4.	7960392	30-7-2009	Magnewin Magnetics, Plot No. L-49, MIDC Kupwad, Taluka Miraj, Distirct Sangli-416 436 Maharashtra.	Shunt capacitors for non self healing type for AC power systems having a rated voltage upto and including 1000 V	13585	1	-	1994
5.	7960897	3-8-2009	Shree Krishna Jewellers, 12, Magar Ali, Hadapsar, District Pune-411 028 Maharashtra.	Gold and gold alloys, Jewellery/artefacts- Fineness and marking	1417			1999
6.	7930585	5-8-2009	Paradise Industries, Plot No. W-20, MIDC, District Parbhani, Maharashtra.	Packaged drinking water (Other than packaged natural mineral water)	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
7.	7961802	5-8-2009	Technoheat Mfg. & Control, S.No. 17, Hissa No. 1/1/5/1, Kondhwa Bk, District Pune 411048, Maharashtra.	Mini Domestic Water Heater for use with LPG	15558			2005
8.	7962295	7-8-2009	National Pipes, Plot No.N2, MIDC, Taluka Ahmednagar, District Ahmednagar-414 111 Maharashtra.	Irrigation equipment- emitters	13487			1992
9.	7946297	23-7-2009	Shankara Breweries, A-5, Addl MIDC, District Latur-413 512 Maharashtra	Packaged drinking water (Other than packaged natural mineral water)	14543		-	2004
10.	7962905	7-8-2009	Meenakshi Ferro Ingots Pvt. Ltd., Gat Nos. 350 & 361, Bhandgaon, Khor Road, Yawat, Taluka Daund, District Pune-412 214, Maharashtra	Hot rolled low/medium/ high tensile structural steel	2062			2006
11.	7963095	7-8-2009	Meenakshi Ferro Ingots Pvt. Ltd., Gat Nos. 350 & 361, Bhandgaon, Khor Road, Yawat, Taluka Daund, District Pune-412 214, Maharashtra	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	2830			1992
12.	7963301	11-8-2009	Laxni Jewellers, 435, Main Road, Talegaon Dhamdhare, Taluka Shirur, District Pune-412 208, Maharashtra	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417			1999
13.	7963705	12-8-2009	Lalit Saraf & Jewellers, Shop No. 4, Datta Palace, Balajinagar, Pune-Satara, Road, Dhankawadi, District Pune-411 043, Maharashtra	Gold and gold alloys, jewellery/artefacts- Fineness and marking	1417			1999
14.	7964808	13-8-2009	Amrutlal Premchand, 56, Yerwada Bazar, Opp. Maruti Mandir, District Pune-411 006, Maharashtra	Gold and gold alloys, jewellery/artefacts- Fineness and marking	1417			1999
15.	7965709	04-8-2009	Government Milk Scheme, Udgir, S.No. 291, Bidar Road, Udgir, District Latur-413 517	Skimmed milk powder Part 1 Standard grade	13334	01		1998
16.	7965911	20-8-2009	Nandlal Jewellers, 213, Shimpri Lane, Near Gandhi Chowk,	Gold and gold alloys, jewellery/artefacts- Fineness and marking	1417			

1	2	3	4	5	6	7	8	9
			Hadapsar Gaon, Pune-411 028, Maharashtra					
17.	7965608	18-8-2009	Mohak Agro Industries, Plot No. 1, Indl Estate, Nagar-Pune Road, Kedgaon, Taluka Ahmednagar, Distt Ahmednagar-414 005, Maharashtra	Irrigation equipment- emitters	13487			1992
18	7966105	21-8-2009	Suruchi Foods & Beverages S.No. 97/1 Ramtekdi Indl Estate Hadapsar Taluka Haveli District Pune 411013 Maharashtra	Packaged drinking water (Other than packaged naturel mineral water)	14543			2004
19	7966408	17-8-2009	Shri Rama Cement Industry Plot No. B 80/81 MIDC, Umarga Distt. Osmanabad 413606 Maharashtra	Protland slag cement	455			1989
20	7966711	24-8-2009	National Pipes Plot No. N2, MIDC Taluka Ahmednagar District Ahmednagar 414111 Maharashtra	Irrigation equipment- Polyethylene pipes for irrigation laterals	12786			1989
21	7966812	25-8-2009	Mohak Agro Industries Plot No. 1, Indl Estate Nagar-Pune Road, Kedgaon Taluka Ahmednagar District Ahmednagar 414005	Irrigation equipment- Polyethylene pipes for irrigation Laterals	12786			1989

[No. CMD/13:11]

P.K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 21 दिसम्बर, 2009

का.आ. 36.—भारतीय मानक ब्यूरा नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 13749:2009 स्वचल वाहन-50 शततनक (परसेन्टाइल) वयस्क पुरुष के मोटरवाहन में बैठने की स्थिति में 'एच' बिन्दु एवं टोरसो कोण के निर्धारण की प्रक्रिया (पहला पुनरीक्षण)	13749: 1993	31 अगस्त 2009

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली -110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टी ई डी/जी-16]

टी. वी. सिंह, वैज्ञानिक ई एवं प्रमुख (टी ई डी)

New Delhi, the 21st December, 2009

S.O. 36.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl No.	No. Year & title of the Indian Standards Established	No. & year of Indian Standards, if any Superseded by the New Indian Standard	Date Established
(1)	(2)	(3)	(4)
1.	IS 13749:2009Automotive vehicles Procedure for determining the 'H' point and the torso angle for 50th percentile adult male in seating positions of motor vehicles (first revision)	13749:1993	31 Aug 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai, and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. TED/G-16]

T.V. SINGH, Scientist E & Head (Transport Engg)

नई दिल्ली, 21 दिसम्बर, 2009

का.आ. 37.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम(1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 13749:2009 स्वचल वाहन-50 शततनक (परसेन्टाइल) वयस्क पुरुष के मोटरवाहन में बैठने की स्थिति में 'एच' बिन्दु एवं टोरसो कोण के निर्धारण की प्रक्रिया (पहला पुनरीक्षण)	13749: 1993	31 अगस्त 2009

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली -110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टी ई डी/जी-16]

टी. वी. सिंह, वैज्ञानिक ई एवं प्रमुख (टी ई डी)

New Delhi, the 21st December, 2009

S.O. 37.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. Year & title of the Indian Standards Established	No. & year of Indian Standards, if any Superseded by the New Indian Standard	Date Established
(1)	(2)	(3)	(4)
1.	IS 13749:2009 Automotive vehicles Procedure for determining the 'H' point and the torso angle for 50th percentile adult male in seating positions of motor vehicles (first revision)	13749:1993	31 Aug 2009

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai, and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref TED/G-16]

T. V. SINGH, Scientist E & Head (Transport Engg)

नई दिल्ली, 23 दिसम्बर, 2009

का.आ. 38.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक में संशोधन किया गया है :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 12120:1987	3, नवम्बर 2009	30 नवम्बर 2009
2.	आई एस 13958:1984	4, नवम्बर 2009	02 दिसम्बर 2009
3.	आई एस 14276:1995	4, नवम्बर 2009	02 दिसम्बर 2009
4.	आई एस 14616:1999	3, नवम्बर 2009	30 नवम्बर 2009
5.	आई एस 15476:2004	3, नवम्बर 2009	30 नवम्बर 2009

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो मानक भवन 9 बहादुर शाह जफर मार्ग नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 23rd December, 2009

S.O. 38.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendment to the Indian Standard, particulars of which is given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 12120:1987	3, November 2009	30 November 2009
2.	IS 13958:1994	4, November 2009	02 December 2009
3.	IS 14276:1995	4, November 2009	02 December 2009

(1)	(2)	(3)	(4)
4.	IS 14616 : 1999	3, November 2009	30 November 2009
5.	IS 15476 : 2004	3, November 2009	30 November 2009

Copy of the amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai, and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

नई दिल्ली, 23 दिसम्बर, 2009

का.आ. 39.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक में संशोधन किया गया है :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 2202 (भाग 1) : 1999	2, नवम्बर 2009	03 दिसम्बर 2009
2	आई एस 2202 (भाग 2) : 1983	2, नवम्बर 2009	30 नवम्बर 2009
3	आई एस 4020 (भाग 8) : 1998	1, नवम्बर 2009	02 दिसम्बर 2009
4	आई एस 4351 : 2003	1, नवम्बर 2009	02 दिसम्बर 2009

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो मानक भवन 9 बहादुर शाह जफर मार्ग नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों अहमदाबाद, बेंगलूर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ: सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 23rd December, 2009

S.O. 39.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendment to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been issued:

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 2202 (Part 1) : 1999	2, November 2009	03 December 2009
2	IS 2202 (Part 2) : 1983	2, November 2009	30 November 2009
3	IS 4020 (Part 8) : 1998	1, November 2009	02 December 2009
4	IS 4351 : 2003	1, November 2009	02 December 2009

Copy of the amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai, and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

पेट्रोलियम और प्राकृतिक गैस पत्रावली

नई दिल्ली, 16 दिसम्बर, 2009

का.अ. 40.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पारादीप (उड़ीसा) से रायपुर (छत्तीसगढ़) एवं राँची (झारखण्ड) तक पेट्रोलियम उत्पादों के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "पारादीप-नया सम्बलपुर-रायपुर-राँची पाइपलाइन" बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि जिसके नीचे पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उन में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में श्री सुकान्त कुमार प्रधान, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पारादीप-नया सम्बलपुर-रायपुर-राँची पाइपलाइन परियोजना, 1295, फॉरेस्ट पार्क, भुवनेश्वर-751009 (उड़ीसा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील-जटणी जिला-खोन्डा राज्य-उड़ीसा

गाँव का नाम प्लॉट नं. क्षेत्रफल हेक्टेयर एयर वर्ग मीटर

(1)	(2)	(3)	(4)	(5)
पाँचगाँ	2350	00	04	78
	1516	00	01	11
	1517	00	00	10
	1518	00	01	51
	1519	00	10	54
	1520	00	01	42
	1522	00	02	05
	1524	00	04	85
	1523	00	06	04
	1560	00	12	96
	1181	00	00	79
	1170	00	07	96
	1171	00	01	81

(1)	(2)	(3)	(4)	(5)
पाँचगाँ-(जारी)	1172	00	19	41
	1180	00	02	14
	1185	00	02	48
	1184	00	00	82
	1188	00	02	68
	1189	00	04	76
	1190	00	02	80
	1191	00	00	21
	1193	00	04	24
	2410	00	00	10
	1482	00	01	73
	2421	00	01	62
	1480	00	07	51
	1481	00	01	81
	1372	00	04	36
	1371	00	00	94
	1368	00	04	71
	1367	00	02	61
	1366	00	04	00
	1365	00	00	39
	1360	00	03	43
	1362	00	00	10
	1361	00	01	50
	1359	00	00	81
	1358	00	00	36
	1357	00	00	40
	2419	00	00	30
	2418	00	00	33
	1355	00	00	73
	1348	00	01	73
	1349	00	00	10
	1354	00	00	10
	1347	00	01	97
	1346	00	01	56
	1363	00	00	25
	1322	00	03	45
	1323	00	01	44
	1321	00	01	64
	13	00	01	38
	1314	00	00	46
	1313	00	00	20
	2408	00	00	46
	1315	00	02	15
	1316	00	00	84
	1242	00	02	86
	1243	00	02	93

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
पाँचगाँ—(जारी)	1249	00	05	89	पाँचगाँ—(जारी)	571	00	05	00
	1248	00	03	90		566	00	02	97
	1255	00	01	95		565	00	01	07
	1256	00	03	09		564	00	01	07
	865	00	02	72		563	00	02	88
	862	00	05	03		561	00	00	93
	864	00	00	58		560	00	02	80
	863	00	00	10		562	00	01	60
	861	00	03	33		558	00	05	60
	852	00	03	02		542	00	01	68
	824	00	00	72		541	00	01	93
	825	00	02	47		540	00	01	14
	826	00	02	78		543	00	01	07
	827	00	00	38		544	00	03	98
	828	00	02	92		539	00	00	75
	829	00	02	56		545	00	02	68
	830	00	03	30		115	00	06	27
	806	00	07	98		102	00	00	37
	807	00	03	75		117	00	00	10
	2372	00	00	10		118	00	00	10
	792	00	02	00		119	00	00	83
	793	00	04	81		120	00	00	28
	791	00	00	10		114	00	03	96
	794	00	00	10		113	00	00	87
	795	00	05	60		112	00	08	41
	780	00	03	26		111	00	01	22
	781	00	06	94		124	00	06	89
	779	00	00	10		110	00	00	44
	778	00	02	22		2353	00	00	20
	762	00	02	68		125	00	01	75
	767	00	00	10		127	00	02	35
	765	00	00	77		126	00	00	69
	648	00	02	23		2454	00	07	60
	634	00	02	92		2447	00	00	96
	635	00	01	07		203	00	00	4
	644	00	03	18		2455	00	17	70
	636	00	02	30		2456	00	01	35
	637	00	05	31		10	00	00	35
	638	00	01	03		82	00	00	48
	639	00	00	10		13	00	00	72
	607	00	12	67		12	00	07	95
	592	00	03	08		22	00	03	50
	593	00	04	16		21	00	05	76
	585	00	06	96		23	00	01	76
	574	00	01	24		20	00	02	28
	575	00	08	73		19	00	01	00
	584	00	00	10					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
पधानसाही	1008	00	00	81	आश्रयपुर—(जारी)	51	00	02	54
	1007	00	00	97		23	00	04	53
	1009	00	01	05		29	00	01	16
	1020	00	05	80		27	00	02	45
	1022	00	01	93		26	00	08	89
	1023	00	02	45		52	00	00	47
	456	00	22	34		25	00	15	98
	458	00	00	10		17	00	00	86
	457	00	01	28		22	00	02	43
	454	00	11	59		60	00	04	71
	448	00	00	10		79	00	20	24
	450	00	02	48		80	00	00	10
	449	00	00	13		74	00	01	84
	447	00	05	60		85	00	01	87
	451	00	00	57	नबीनपुर	445	00	01	84
	446	00	13	19		442	00	01	82
	441	00	04	94		443	00	06	52
	400	00	02	75		444	00	00	20
	404	00	00	27		441	00	10	03
	403	00	16	80		440	00	20	27
	402	00	12	18		439	00	04	55
	391	00	23	80		456	00	01	45
	392	00	00	35		450	00	03	66
	298	00	05	58		451	00	02	85
	295	00	12	12		452	00	24	00
	283	00	00	85		453	00	02	56
	284	00	07	13		455	00	04	53
आश्रयपुर	39	00	00	71		454	00	11	09
	42	00	11	10		538	00	00	81
	41	00	01	90		461	00	07	15
	43	00	02	74		462	00	04	29
	45	00	04	36		533	00	01	99
	46	00	06	29		477	00	07	92
	47	00	27	85		475	00	02	41
	48	00	20	28		476	00	04	24
	49	00	01	19		474	00	13	12
	32	00	00	10		469	00	02	73
	31	00	00	45		470	00	11	50
	125	00	00	55		287	00	00	71
	124	00	00	40		324	00	12	86
	30	00	00	10					
	50	00	05	80					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
नबीनपुर—(जारी)	325	00	07	01	बाइरणग—(जारी)	270	00	03	70
	326	00	02	80		271	00	04	86
	317	00	00	10		273	00	05	16
	318	00	08	63		274	00	02	45
	303	00	10	62		168	00	00	33
	302	00	03	13		167	00	07	38
	301	00	05	57		165	00	03	93
	309	00	00	75		166	00	00	71
	198	00	00	23		163	00	04	17
	197	00	13	95		161	00	06	13
	199	00	01	36		162	00	00	59
	200	00	01	00		160	00	01	59
	201	00	01	71		156	00	14	02
	226	00	00	20		157	00	02	60
	225	00	02	67		136	00	04	26
	224	00	03	88		149	00	08	93
	215	00	15	46		147	00	05	96
	214	00	06	67		146	00	01	75
	213	00	00	32		145	00	01	78
	212	00	00	65		144	00	08	11
	211	00	00	10		139	00	01	35
	202	00	07	51		138	00	01	70
	204	00	01	79		137	00	05	41
	203	00	01	10		135	00	03	38
बाइरणग	389	00	03	26		125	00	01	21
	390	00	05	11		127	00	00	10
	406	00	00	48		126	00	00	47
	386	00	01	50		128	00	20	30
	391	00	04	50		129	00	00	60
	392	00	01	70	बुआ	672	00	03	70
	393	00	03	53		671	00	02	90
	394	00	00	10		673	00	00	97
	291	00	04	56		670	00	01	63
	288	00	00	10		674	00	08	48
	290	00	06	91		668	00	02	27
	289	00	00	10		667	00	04	51
	262	00	07	16		666	00	00	10
	267	00	10	48		663	00	01	16
	268	00	00	10		664	00	04	42
	269	00	03	99		659	00	05	98

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
बेरुआ—(जारी)	658	00	06	11	कन्तिआ—(जारी)	256	00	00	10
	646	00	01	08		259	00	03	75
	647	00	05	26		258	00	06	66
	643	00	05	76		207	00	00	10
	637	00	06	83		206	00	07	08
	642	00	02	73		205	00	00	42
	640	00	00	30		197	00	00	44
	638	00	03	93		198	00	04	13
कन्तिआ	1419	00	08	00		196	00	03	84
	1413	00	02	10		193	00	04	23
	1414	00	02	48		188	00	01	51
	1412	00	04	49		187	00	02	91
	1407	00	01	11		186	00	04	03
	1404	00	01	52		185	00	04	77
	1406	00	00	72		166	00	00	10
	1402	00	00	31		169	00	00	87
	1405	00	03	16		167	00	03	32
	1399	00	01	46		168	00	05	66
	1398	00	01	69		34	00	04	05
	1397	00	03	19		21	00	01	50
	1388	00	03	15		20	00	02	94
	1396	00	00	76		11	00	07	93
	1390	00	01	29		7	00	02	60
	1391	00	03	12		8	00	03	82
	1393	00	02	75		6	00	07	09
	238	00	05	93	रथिपुर	95	00	06	44
	4366	00	00	69		99	00	00	10
	241	00	00	77		98	00	01	03
	242	00	03	00		97	00	02	42
	243	00	00	54		96	00	06	72
	244	00	00	10		94	00	04	06
	248	00	00	13		1129	00	05	33
	240	00	02	55		92	00	02	21
	249	00	01	31		57	00	03	33
	250	00	04	67		60	00	00	53
	252	00	03	52		58	00	01	45
	251	00	00	53		59	00	00	71
	254	00	05	16		67	00	01	23
	260	00	01	64		66	00	03	72
	255	00	04	53		69	00	03	85

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
रथिपुर—(जारी)	64	00	02	12	छणघर—(जारी)	1944	00	03	09
	65	00	00	10		1963	00	00	32
	73	00	01	86		1964	00	04	70
	74	00	03	02		2084	00	05	94
	75	00	04	65		2085	00	01	80
	50	00	08	02		2214	00	00	40
	48	00	01	26		2213	00	02	42
	49	00	07	56		2212	00	00	25
	28	00	03	26		2217	00	00	80
	27	00	00	10		2222	00	04	46
	29	00	04	02		2223	00	04	98
	30	00	01	36		2225	00	02	50
	31	00	04	16		2226	00	00	47
	5	00	02	87		2227	00	04	15
	6	00	00	97		2228	00	00	40
	3	00	00	72		2229	00	01	49
	4	00	03	97		2230	00	09	98
	36	00	00	16		2300	00	01	30
	1134	00	03	20		2301	00	07	71
	1135	00	02	03		2275	00	00	10
छणघर	1898	00	06	04		2302	00	03	32
	1897	00	04	84		2299	00	04	03
	1896	00	00	42		2298	00	03	00
	1900	00	07	07		2318	00	02	42
	3140	00	05	39		2319	00	06	11
	1901	00	01	21		2320	00	04	14
	1902	00	01	06		2293	00	01	21
	1903	00	06	10		2291	00	06	60
	3144	00	04	64		2350	00	00	55
	1912	00	04	17		2290	00	08	97
	1924	00	03	09		2353	00	04	33
	1925	00	01	33		3190	00	01	45
	1911	00	00	36		2355	00	01	40
	1926	00	00	36		3176	00	00	17
	1939	00	05	74		3178	00	00	61
	3148	00	00	10		2356	00	04	10
	1941	00	04	59		2352	00	00	20
	1947	00	00	17		3175	00	03	03
	1942	00	08	03		2357	00	04	13
	1943	00	04	22		2358	00	05	71

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
छणधर—(जारी)	2260	00	46	00	कुसुमाटि—(जारी)	1242	00	03	11
	2543	00	27	53		1247	00	02	24
	2544	00	05	49		1241	00	00	23
	3191	00	02	55		1234	00	04	98
	2565	00	00	94		1236	00	01	90
	904	00	51	36		1237	00	01	23
	2911	00	22	67		1238	00	00	78
	2909	00	04	85		1230	00	00	40
	2910	00	11	71		1231	00	17	21
कुसुमाटि	1668	00	05	65		847	00	04	30
	1669	00	13	24		848	00	07	14
	1667	00	19	53		856	00	05	05
	1666	00	04	57		859	00	01	46
	1665	00	00	10		860	00	03	02
	1664	00	04	06		855	00	00	75
	1155	00	08	78		842	00	01	57
	1156	00	00	78		861	00	08	46
	1176	00	01	14		866	00	00	10
	1177	00	02	35		862	00	05	64
	1175	00	00	76		828	00	02	38
	1178	00	00	10		827	00	00	44
	1182	00	05	67		825	00	00	98
	1183	00	05	75		826	00	05	78
	1184	00	00	19		822	00	00	32
	1173	00	04	93		816	00	10	51
	1171	00	00	10		805	00	02	09
	1172	00	06	60		814	00	00	62
	1168	00	04	10		813	00	01	29
	1167	00	01	48		812	00	01	11
	1192	00	02	82		811	00	00	46
	1824	00	02	53		809	00	06	39
	1196	00	00	64		808	00	02	33
	1195	00	02	87		900	00	00	10
	1194	00	01	21		901	00	02	19
	1193	00	00	10		902	00	01	25
	1197	00	04	83		907	00	04	87
	1243	00	03	91		908	00	01	95
	1246	00	00	26		909	00	03	96
						914	00	04	58
						915	00	00	85

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
कुसुमाटि—(जारी)	791	00	13	46	गोविन्दपुर	694	00	06	39
	790	00	01	24		695	00	08	68
	789	00	02	14		696	00	11	00
ओगरसुआँ	552	00	04	28		697	00	17	21
	520	00	00	20		707	00	00	49
	522	00	00	20		706	00	05	14
	521	00	02	36		709	00	01	23
	523	00	03	33		705	00	16	73
	524	00	01	35		714	00	01	11
	531	00	00	10		715	00	07	52
	530	00	02	13		713	00	03	67
	527	00	04	85		596	00	00	78
	526	00	02	83		597	00	04	43
	525	00	02	28		598	00	00	10
	516	00	13	45		594	00	06	89
	513	00	03	75		599	00	02	81
	514	00	06	26		600	00	01	15
जागुलाइपदर	226	00	02	65		588	00	12	76
	227	00	03	52		589	00	09	23
	225	00	03	46		519	00	07	60
	224	00	04	21		520	00	12	10
	218	00	00	26		525	00	08	92
	221	00	04	85		523	00	06	50
	220	00	03	09		514	00	08	91
	211	00	00	73		529	00	00	10
	213	00	02	47	सण्डपुर	2	00	06	84
	212	00	04	74		4	00	16	28
	186	00	14	76		6	00	10	21
	185	00	04	33	उपरबस्त	178	00	00	18
	120	00	00	10		179	00	09	25
	121	00	07	60		182	00	15	02
	99	00	07	79		183	00	00	65
	93	00	09	78		144	00	03	36
	252	00	04	78		1108	00	00	34
	131	00	03	72		145	00	20	35
	132	00	04	49		107	00	02	90
	135	00	07	96		115	00	00	10
	144	00	04	85		11	00	01	45
	138	00	00	20		113	00	15	71
	139	00	01	44		119	00	03	07
	143	00	03	85		96	00	05	93
	140	00	00	21					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
उपरबस्त—(जारी)	120	00	02	51	भीमपुर—(जारी)	63	00	00	71
	95	00	06	32		40	00	01	32
	93	00	10	18		41	00	01	52
	90	00	00	84		53	00	08	21
	88	00	03	06		51	00	00	80
	89	00	00	41		44	00	01	73
	86	00	06	55		43	00	11	99
	72	00	00	35		42	00	05	25
	73	00	06	05		14	00	17	60
	59	00	06	33		16	00	02	10
	61	00	00	95		3	00	07	16
	62	00	09	79		1	00	05	19
	60	00	07	99	गंगपडा	1493	00	00	80
	66	00	01	05		1492	00	03	00
	56	00	00	10		1490	00	03	30
	55	00	05	61	पदनपुर	1	00	10	46
	39	00	30	57		23	00	20	61
	29	00	08	72		987	00	04	75
	26	00	01	96		20	00	00	67
	28	00	09	25		19	00	05	72
	10	00	07	32		2	00	12	74
	9	00	06	61		3	00	06	75
	8	00	00	10		4	00	04	72
	13	00	07	15		5	00	04	91
भीमपुर	99	00	02	40	बरतोटा	447	00	04	23
	100	00	01	75		443	00	01	17
	106	00	01	59		446	00	11	23
	101	00	02	21		434	00	11	02
	104	00	02	81		433	00	01	26
	103	00	00	19		432	00	03	63
	102	00	04	02		431	00	09	27
	96	00	14	08		430	00	05	50
	93	00	00	82		1591	00	09	83
	95	00	02	94		417	00	00	10
	94	00	03	66		419	00	05	77
	69	00	01	10		420	00	06	15
	120	00	08	10		345	00	19	07
	126	00	09	14		346	00	11	47
	127	00	02	97		347	00	00	62
	128	00	07	20		337	00	13	58
	64	00	00	10					

(1)	(2)	(3)	(4)	(5)
बरतोटा—(जारी)	319	00	02	95
	320	00	07	64
	322	00	02	66
	1555	00	02	51
	323	00	02	18
	324	00	05	77
	315	00	04	39
	314	00	03	68
	307	00	03	84
	305	00	07	57
	304	00	10	43
	302	00	02	34
	303	00	07	77
	284	00	03	49
	283	00	08	52
	285	00	08	38
	286	00	04	85
	198	00	04	83
	199	00	09	87
	195	00	02	77
	194	00	12	33
	196	00	02	15
	191	00	01	86
	192	00	10	42
	193	00	01	37
	190	00	00	10
	188	00	01	68
	187	00	04	00
	186	00	01	62
	184	00	04	42
	171	00	02	09
	13	00	11	06
	14	00	00	64
	15	00	09	36
	2	00	17	16
	1	00	14	91
पितापलि	546	00	04	10
	545	00	01	50
	608	00	06	20
	542	00	07	83
	544	00	01	20

(1)	(2)	(3)	(4)	(5)
पितापलि—(जारी)	543	00	03	27
	537	00	00	95
	538	00	01	95
	533	00	08	36
	535	00	02	65
	536	00	00	10

[सं. आर-25011/20/2009-ओ.आर-1]

बी. के. दत्ता, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 16th December, 2009

S.O. 40.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum products from Paradip (Orissa) to Raipur (Chhattisgarh) and Ranchi (Jharkhand), “Paradip-New Sambalpur-Raipur-Ranchi Pipeline” should be laid by Indian Oil Corporation Limited.

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Sri Sukanta Kumar Pradhan, Competent Authority, Indian Oil Corporation Limited, Paradip-New Sambalpur-Raipur-Ranchi Pipeline Project, 1295, Forest Park, Bhubaneswar-751009, (Orissa).

SCHEDULE

Tehsil : Jatni District : Khurda State : Orissa

Name of the Village	Plot No.	Area		
		Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)
Panchagan	2350	00	04	78
	1516	00	01	11
	1517	00	00	10
	1518	00	01	51
	1519	00	10	54
	1520	00	01	42
	1522	00	02	05

(1)	(2)	(3)	(4)	(5)
Panchagan—Contd.	1524	00	04	85
	1523	00	06	04
	1560	00	12	96
	1181	00	00	79
	1170	00	07	96
	1171	00	01	81
	1172	00	19	41
	1180	00	02	14
	1185	00	02	48
	1184	00	00	82
	1188	00	02	68
	1189	00	04	76
	1190	00	02	80
	1191	00	00	21
	1193	00	04	24
	2410	00	00	10
	1482	00	01	73
	2421	00	01	62
	1480	00	07	51
	1481	00	01	81
	1372	00	04	36
	1371	00	00	94
	1368	00	04	71
	1367	00	02	61
	1366	00	04	00
	1365	00	00	39
	1360	00	03	43
	1362	00	00	10
	1361	00	01	50
	1359	00	00	81
	1358	00	00	36
	1357	00	00	40
	2419	00	00	30
	2418	00	00	33
	1355	00	00	73
	1348	00	01	73
	1349	00	00	10
	1354	00	00	10
	1347	00	01	97
	1346	00	01	56
	1363	00	00	25
	1322	00	03	45
	1323	00	01	44
	1321	00	01	64
	13	00	01	38
	1314	00	00	46
	1313	00	00	20

(1)	(2)	(3)	(4)	(5)
Panchagan—Contd.	2408	00	00	46
	1315	00	02	15
	1316	00	00	84
	1242	00	02	86
	1243	00	02	93
	1249	00	05	89
	1248	00	03	90
	1255	00	01	95
	1256	00	03	09
	865	00	02	72
	862	00	05	03
	864	00	00	58
	863	00	00	10
	861	00	03	33
	852	00	03	02
	824	00	00	72
	825	00	02	47
	826	00	02	78
	827	00	00	38
	828	00	02	92
	829	00	02	56
	830	00	03	30
	806	00	07	98
	807	00	03	75
	2372	00	00	10
	792	00	02	00
	793	00	04	81
	791	00	00	10
	794	00	00	10
	795	00	05	60
	780	00	03	26
	781	00	06	94
	779	00	00	10
	778	00	02	22
	762	00	02	68
	767	00	00	10
	765	00	00	77
	648	00	02	23
	634	00	02	92
	635	00	01	07
	644	00	03	18
	636	00	02	30
	637	00	05	31
	638	00	01	03
	639	00	00	10
	607	00	12	67
	592	00	03	08

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Panchagan—Contd.	593	00	04	16	Padhansahi	1008	00	00	81
	585	00	06	96		1007	00	00	97
	574	00	01	24		1009	00	01	05
	575	00	08	73		1020	00	05	80
	584	00	00	10		1022	00	01	93
	571	00	05	00		1023	00	02	45
	566	00	02	97		456	00	22	34
	565	00	01	07		458	00	00	10
	564	00	01	07		457	00	01	28
	563	00	02	88		454	00	11	59
	561	00	00	93		448	00	00	10
	560	00	02	80		450	00	02	48
	562	00	01	60		449	00	00	13
	558	00	05	60		447	00	05	60
	542	00	01	68		451	00	00	57
	541	00	01	93		446	00	13	19
	540	00	01	14		441	00	04	94
	543	00	01	07		400	00	02	75
	544	00	03	98		404	00	00	27
	539	00	00	75		403	00	16	80
	545	00	02	68		402	00	12	18
	115	00	06	27		391	00	23	80
	102	00	00	37		392	00	00	35
	117	00	00	10		298	00	05	58
	118	00	00	10		295	00	12	12
	119	00	00	83		283	00	00	85
	120	00	00	28		284	00	07	13
	114	00	03	96	Ashraypur	39	00	00	71
	113	00	00	87		42	00	11	10
	112	00	08	41		41	00	01	90
	111	00	01	22		43	00	02	74
	124	00	06	89		45	00	04	36
	110	00	00	44		46	00	06	29
	2353	00	00	20		47	00	27	85
	125	00	01	75		48	00	20	28
	127	00	02	35		49	00	01	19
	126	00	00	69		32	00	00	10
	2454	00	07	60		31	00	00	45
	2447	00	00	96		125	00	00	55
	203	00	00	41		124	00	00	40
	2455	00	17	70		30	00	00	10
	2456	00	01	35		50	00	05	80
	10	00	00	35		51	00	02	54
	82	00	00	48		23	00	04	53
	13	00	00	72		29	00	01	16
	12	00	07	95		27	00	02	45
	22	00	03	50		26	00	08	89
	21	00	05	76		52	00	00	47
	23	00	01	76					
	20	00	02	28					
	19	00	01	00					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Ashraypur— <i>Contd.</i>	25	00	15	98	Nabinpur— <i>Contd.</i>	225	00	02	67
	17	00	00	86		224	00	03	88
	22	00	02	43		215	00	15	46
	60	00	04	71		214	00	06	67
	79	00	20	24		213	00	00	32
	80	00	00	10		212	00	00	65
	74	00	01	84		211	00	00	10
	85	00	01	87		202	00	07	51
Nabinpur	445	00	01	84		204	00	01	79
	442	00	01	82		203	00	01	10
	443	00	06	52	Bairanga	389	00	03	26
	444	00	00	20		390	00	05	11
	441	00	10	03		406	00	00	48
	440	00	20	27		386	00	01	50
	439	00	04	55		391	00	04	50
	456	00	01	45		392	00	01	70
	450	00	03	66		393	00	03	53
	451	00	02	85		394	00	00	10
	452	00	24	00		291	00	04	56
	453	00	02	56		288	00	00	10
	455	00	04	53		290	00	06	91
	454	00	11	09		289	00	00	10
	538	00	00	81		262	00	07	16
	461	00	07	15		267	00	10	48
	462	00	04	29		268	00	00	10
	533	00	01	99		269	00	03	99
	477	00	07	92		270	00	03	70
	475	00	02	41		271	00	04	86
	476	00	04	24		273	00	05	16
	474	00	13	12		274	00	02	45
	469	00	02	73		168	00	00	33
	470	00	11	50		167	00	07	38
	287	00	00	71		165	00	03	93
	324	00	12	86		166	00	00	71
	325	00	07	01		163	00	04	17
	326	00	02	80		161	00	06	13
	317	00	00	10		162	00	00	59
	318	00	08	63		160	00	01	59
	303	00	10	62		156	00	14	02
	302	00	03	13		157	00	02	60
	301	00	05	57		136	00	04	26
	309	00	00	75		149	00	08	93
	198	00	00	23		147	00	05	96
	197	00	13	95		146	00	01	75
	199	00	01	36		145	00	01	78
	200	00	01	00		144	00	08	11
	201	00	01	71		139	00	01	35
	226	00	00	20		138	00	01	70

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Bairanga— <i>Contd.</i>	137	00	05	41	Kantia— <i>Contd.</i>	243	00	00	54
	135	00	03	38		244	00	00	10
	125	00	01	21		248	00	00	13
	127	00	00	10		240	00	02	55
	126	00	00	47		249	00	01	31
	128	00	20	30		250	00	04	67
	129	00	00	60		252	00	03	52
Beruan	672	00	03	70		251	00	00	53
	671	00	02	90		254	00	05	16
	673	00	00	97		260	00	01	64
	670	00	01	63		255	00	04	53
	674	00	08	48		256	00	00	10
	668	00	02	27		259	00	03	75
	667	00	04	51		258	00	06	66
	666	00	00	10		207	00	00	10
	663	00	01	16		206	00	07	08
	664	00	04	42		205	00	00	42
	659	00	05	98		197	00	00	44
	658	00	06	11		198	00	04	13
	646	00	01	08		196	00	03	84
	647	00	05	26		193	00	04	23
	643	00	05	76		188	00	01	51
	637	00	06	83		187	00	02	91
	642	00	02	73		186	00	04	03
	640	00	00	30		185	00	04	77
	638	00	03	93		166	00	00	10
Kantia	1419	00	08	00		169	00	00	87
	1413	00	02	10		167	00	03	32
	1414	00	02	48		168	00	05	66
	1412	00	04	49		34	00	04	05
	1407	00	01	11		21	00	01	50
	1404	00	01	52		20	00	02	94
	1406	00	00	72		11	00	07	93
	1402	00	00	31		7	00	02	60
	1405	00	03	16		8	00	03	82
	1399	00	01	46		6	00	07	09
	1398	00	01	69	Rathipur	95	00	06	44
	1397	00	03	19		99	00	00	10
	1388	00	03	15		98	00	01	03
	1396	00	00	76		97	00	02	42
	1390	00	01	29		96	00	06	72
	1391	00	03	12		94	00	04	06
	1393	00	02	75		1129	00	05	33
	238	00	05	93		92	00	02	21
	4366	00	00	69		57	00	03	33
	241	00	00	77		60	00	00	53
	242	00	03	00		58	00	01	45
						59	00	00	71

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Rathipur— <i>Contd.</i>	67	00	01	23	Chhanaghar	2085	00	01	80
	66	00	03	72	— <i>Contd.</i>	2214	00	00	40
	69	00	03	85		2213	00	02	42
	64	00	02	12		2212	00	00	25
	65	00	00	10		2217	00	00	80
	73	00	01	86		2222	00	04	46
	74	00	03	02		2223	00	04	98
	75	00	04	65		2225	00	02	50
	50	00	08	02		2226	00	00	47
	48	00	01	26		2227	00	04	15
	49	00	07	56		2228	00	00	40
	28	00	03	26		2229	00	01	49
	27	00	00	10		2230	00	09	98
	29	00	04	02		2300	00	01	30
	30	00	01	36		2301	00	07	71
	31	00	04	16		2275	00	00	10
	5	00	02	87		2302	00	03	32
	6	00	00	97		2299	00	04	03
	3	00	00	72		2298	00	03	00
	4	00	03	97		2318	00	02	42
	36	00	00	16		2319	00	06	11
	1134	00	03	20		2320	00	04	14
	1135	00	02	03		2293	00	01	21
Chhanaghar	1898	00	06	04		2291	00	06	60
	1897	00	04	84		2350	00	00	55
	1896	00	00	42		2290	00	08	97
	1900	00	07	07		2353	00	04	33
	3140	00	05	39		3190	00	01	45
	1901	00	01	21		2355	00	01	40
	1902	00	01	06		3176	00	00	17
	1903	00	06	10		3178	00	00	61
	3144	00	04	64		2356	00	04	10
	1912	00	04	17		2352	00	00	20
	1924	00	03	09		3175	00	03	03
	1925	00	01	33		2357	00	04	13
	1911	00	00	36		2358	00	05	71
	1926	00	00	36		2260	00	46	00
	1939	00	05	74		2543	00	27	53
	3148	00	00	10		2544	00	05	49
	1941	00	04	59		3191	00	02	55
	1947	00	00	17		2565	00	00	94
	1942	00	08	03		904	00	51	36
	1943	00	04	22		2911	00	22	67
	1944	00	03	09		2909	00	04	85
	1964	00	00	00		2910	00	11	71
	1963	00	04	70	Kusumati	1668	00	05	65
	2084	00	05	94		1669	00	13	24

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Kusumati—Contd.	1667	00	19	53	Kusumati—Contd.	827	00	00	44
	1666	00	04	57		825	00	00	98
	1665	00	00	10		826	00	05	78
	1664	00	04	06		822	00	00	32
	1155	00	08	78		816	00	10	51
	1156	00	00	78		805	00	02	09
	1176	00	01	14		814	00	00	62
	1177	00	02	35		813	00	01	29
	1175	00	00	76		812	00	01	11
	1178	00	00	10		811	00	00	46
	1182	00	05	67		809	00	06	39
	1183	00	05	75		808	00	02	33
	1184	00	00	19		900	00	00	10
	1173	00	04	93		901	00	02	19
	1171	00	00	10		902	00	01	25
	1172	00	06	60		907	00	04	87
	1168	00	04	10		908	00	01	95
	1167	00	01	48		909	00	03	96
	1192	00	02	82		914	00	04	58
	1824	00	02	53		915	00	00	85
	1196	00	00	64		791	00	13	46
	1195	00	02	87		790	00	01	24
	1194	00	01	21		789	00	02	14
	1193	00	00	10	Ogarsuan	552	00	04	28
	1197	00	04	83		520	00	00	20
	1243	00	03	91		522	00	00	20
	1246	00	00	26		521	00	02	36
	1242	00	03	11		523	00	03	33
	1247	00	02	24		524	00	01	35
	1241	00	00	23		531	00	00	10
	1234	00	04	98		530	00	02	13
	1236	00	01	90		527	00	04	85
	1237	00	01	23		526	00	02	83
	1238	00	00	78		525	00	02	28
	1230	00	00	40		516	00	13	45
	1231	00	17	21		513	00	03	75
	847	00	04	30		514	00	06	26
	848	00	07	14	Jagulaipadar	226	00	02	65
	856	00	05	05		227	00	03	52
	859	00	01	46		225	00	03	46
	860	00	03	02		224	00	04	21
	855	00	00	75		218	00	00	26
	842	00	01	57		221	00	04	85
	861	00	08	46		220	00	03	09
	866	00	00	10		211	00	00	73
	862	00	05	64		213	00	02	47
	828	00	02	38		212	00	04	74

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Jagulaipadar—	186	00	14	76	Uparbasta— <i>Contd.</i>	144	00	03	36
<i>Contd.</i>	185	00	04	33		1108	00	00	34
	120	00	00	10		145	00	20	35
	121	00	07	60		107	00	02	90
	99	00	07	79		115	00	00	10
	93	00	09	78		114	00	01	45
	252	00	04	78		113	00	15	71
	131	00	03	72		119	00	03	07
	132	00	04	49		96	00	05	93
	135	00	07	96		120	00	02	51
	144	00	04	85		95	00	06	32
	138	00	00	20		93	00	10	18
	139	00	01	44		90	00	00	84
	143	00	03	85		88	00	03	06
	140	00	00	21		89	00	00	41
Gobindpur	694	00	06	39		86	00	06	55
	695	00	08	68		72	00	00	35
	696	00	11	00		73	00	06	05
	697	00	17	21		59	00	06	33
	707	00	00	49		61	00	00	95
	706	00	05	14		62	00	09	79
	709	00	01	23		60	00	07	99
	705	00	16	73		66	00	01	05
	714	00	01	11		56	00	00	10
	715	00	07	52		55	00	05	61
	713	00	03	67		39	00	30	57
	596	00	00	78		29	00	08	72
	597	00	04	43		26	00	01	96
	598	00	00	10		28	00	09	25
	594	00	06	89		10	00	07	32
	599	00	02	81		9	00	06	61
	600	00	01	15		8	00	00	10
	588	00	12	76		13	00	07	15
	589	00	09	23	Bhimpur	99	00	02	40
	519	00	07	60		100	00	01	75
	520	00	12	10		106	00	01	59
	525	00	08	92		101	00	02	21
	523	00	06	50		104	00	02	81
	514	00	08	91		103	00	00	19
	529	00	00	10		102	00	04	02
Sandhapur	2	00	06	84		96	00	14	08
	4	00	16	28		93	00	00	82
	6	00	10	21		95	00	02	94
Uparbasta	178	00	00	18		94	00	03	66
	179	00	09	25		69	00	01	10
	182	00	15	02		120	00	08	10
	183	00	00	65		126	00	09	14

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Bhimpur—Contd.	127	00	02	97	Baratota—Contd.	1555	00	02	51
	128	00	07	20		323	00	02	18
	64	00	00	10		324	00	05	77
	63	00	00	71		315	00	04	39
	40	00	01	32		314	00	03	68
	41	00	01	52		307	00	03	84
	53	00	08	21		305	00	07	57
	51	00	00	80		304	00	10	43
	44	00	01	73		302	00	02	34
	43	00	11	99		303	00	07	77
	42	00	05	25		284	00	03	49
	14	00	17	60		283	00	08	52
	16	00	02	10		285	00	08	38
	3	00	07	16		286	00	04	85
	1	00	05	19		198	00	04	83
Gangapada	1493	00	00	80		199	00	09	87
	1492	00	03	00		195	00	02	77
	1490	00	03	30		194	00	12	33
Padanpur	1	00	10	46		196	00	02	15
	23	00	20	61		191	00	01	86
	987	00	04	75		192	00	10	42
	20	00	00	67		193	00	01	37
	19	00	05	72		190	00	00	10
	2	00	12	74		188	00	01	68
	3	00	06	75		187	00	04	00
	4	00	04	72		186	00	01	62
	5	00	04	91		184	00	04	42
Baratota	447	00	04	23		171	00	02	09
	443	00	01	17		13	00	11	06
	446	00	11	23		14	00	00	64
	434	00	11	02		15	00	09	36
	433	00	01	26		2	00	17	16
	432	00	03	63		1	00	14	91
	431	00	09	27	Pitapali	546	00	04	10
	430	00	05	50		545	00	01	50
	1591	00	09	83		608	00	06	20
	417	00	00	10		542	00	07	83
	419	00	05	77		544	00	01	20
	420	00	06	15		543	00	03	27
	345	00	19	07		537	00	00	95
	346	00	11	47		538	00	01	95
	347	00	00	62		533	00	08	36
	337	00	13	58		535	00	02	65
	319	00	02	95		536	00	00	10
	320	00	07	64					
	322	00	02	66					

नई दिल्ली. 16 दिसम्बर, 2009

का.आ. 41.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पारादीप (उड़ीसा) से रायपुर (छत्तीसगढ़) एवं राँची (झारखण्ड) तक पेट्रोलियम उत्पादों के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "पारादीप-नया सम्बलपुर-रायपुर-राँची पाइपलाइन" बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि, जिसके नीचे पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में श्री सुकान्त कुमार प्रधान, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, पारादीप-नया सम्बलपुर-रायपुर-राँची पाइपलाइन परियोजना, 1295, फॉरेस्ट पार्क, भुवनेश्वर- 751009 (उड़ीसा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील-आठगड	जिला -कटक	राज्य-उड़ीसा		
गाँव का नाम	प्लॉट नं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)
कन्दरपुर	1850	00	80	52
	1851	00	04	11
	1811	00	00	10
	1812	00	02	60
	1813	00	04	68
	1816	00	01	76
	1814	00	14	05
	1608	00	02	52
	1618	00	16	20
	1592	00	02	62
	1591	00	01	96
	1590	00	06	30
	1433	00	01	70
	1434	00	00	31
	1905	00	05	19
1426	00	00	17	

(1)	(2)	(3)	(4)	(5)
कन्दरपुर-जारी	1432	00	01	82
	1431	00	00	20
	1427	00	01	93
	1430	00	02	60
	1416	00	00	72
	1429	00	00	15
	1467	00	03	57
	1452	00	03	03
	1453	00	01	14
	1454	00	00	14
	1455	00	00	10
	1415	00	04	29
	1414	00	00	95
	1376	00	00	52
	1401	00	00	10
	1375	00	00	16
	1377	00	05	06
	1378	00	01	15
	1400	00	00	48
	1379	00	02	03
	1372	00	00	30
	1381	00	03	05
	1380	00	01	90
	1382	00	03	38
	1383	00	01	90
	1384	00	02	72
	1385	00	02	79
	1386	00	05	76
	1368	00	00	94
	1358	00	00	61
	1356	00	11	06
	1357	00	01	08
	1346	00	06	64
	1344	00	09	61
	1347	00	00	36
	1343	46	05	39
	1342	00	04	28
	1341	00	05	06
	1334	00	02	89
	1335	00	00	10
	1337	00	01	47
	1340	00	01	52
	1338	00	00	60

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
कन्दरपुर-जारी	1339	00	02	39	नन्डेइलो-जारी	110	00	00	10
	925	00	16	94		109	00	03	09
	1909	00	00	24		108	00	09	86
	923	00	09	93	बनखण्ड	1	00	01	35
	1877	00	00	91		250	00	02	24
	917	00	00	81	बेन्टपडा	2556	00	63	65
	876	00	05	34		2557	00	58	66
	879	00	04	27		2537	00	02	70
	916	00	09	61		2466	00	18	08
	912	00	00	10		2467	00	02	28
	910	00	00	15		2464	00	08	67
	911	00	13	85		2485	00	02	08
	908	00	00	10		2486	00	08	30
	896	00	00	10		2487	00	03	07
	905	00	00	55		2482	00	01	39
	897	00	05	04		2481	00	05	83
	898	00	03	02		2502	00	02	09
	899	00	04	86		2503	00	08	37
	904	00	05	86		2181	00	00	10
	1876	00	02	80		2504	00	04	30
	903	00	11	87		2168	00	05	42
	902	00	00	10		3212	00	04	11
	880	00	06	32		2167	00	00	42
	839	00	00	10		2166	00	00	56
	847	00	00	19		2156	00	05	19
	845	00	07	62		2165	00	01	76
	1916	00	02	43		2157	00	03	62
	849	00	05	73		2158	00	00	20
	1864	00	27	37		2995	00	00	29
	850	00	04	16		2155	00	00	30
नन्डेइलो	128	00	01	24		2150	00	01	41
	127	00	04	04		2153	00	01	73
	126	00	00	20		2149	00	00	10
	122	00	00	79		2151	00	04	38
	119	00	05	09		2145	00	02	76
	138	00	02	43		2189	00	00	87
	139	00	09	96		2094	00	00	57
	118	00	00	40		2093	00	03	92
	635	00	03	08		2092	00	09	82
	140	00	00	51		2050	00	00	52
	111	00	08	62		2101	00	00	10
	112	00	00	66		2102	00	01	36

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
बेन्टपडा--जारी	2103	00	01	93	घनुर्जयपुर--जारी	222	00	04	41
	2104	00	01	71		185	00	12	98
	2048	00	00	10		184	00	04	92
	2115	00	00	10		187	00	00	10
	2106	00	00	70		186	00	07	54
	2107	00	00	10		175	00	07	58
	2109	00	16	89		173	00	02	58
	2108	00	01	34		172	00	06	49
	3136	00	00	60		171	00	00	57
	2110	00	07	94	गदाधरपुर	341	00	00	15
घनुर्जयपुर	469	00	00	30		340	00	03	26
	468	00	10	05		337	00	02	75
	467	00	02	17		338	00	07	04
	466	00	03	21		406	00	00	10
	321	00	04	19		336	00	00	11
	512	00	01	33		328	00	00	12
	319	00	01	13		326	00	00	10
	315	00	07	86		327	00	01	92
	318	00	08	66		308	00	08	05
	317	00	00	66		307	00	09	13
	316	00	07	58		303	00	00	10
	310	00	13	36		304	00	03	08
	309	00	04	81		302	00	02	93
	308	00	12	88		231	00	01	14
	297	00	00	74		280	00	02	57
	276	00	10	19		279	00	05	56
	278	00	00	48		277	00	04	76
	277	00	04	00		278	00	01	28
	279	00	00	75		276	00	00	10
	275	00	12	19		272	00	00	10
	258	00	02	47		271	00	03	50
	260	00	04	96		270	00	00	10
	261	00	01	59		265	00	02	73
	262	00	08	07		266	00	08	66
	509	00	00	10		267	00	02	55
	240	00	04	26		268	00	02	27
	236	00	01	03		78	00	00	57
	239	00	00	10		269	00	03	23
	241	00	08	00		67	00	00	98
	242	00	10	37		66	00	07	40
	224	00	01	05		68	00	00	14
	223	00	06	51		64	00	01	65

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
गदाधरपुर—जारी	65	00	02	45	भितरकरिकोल—जारी	669	00	06	76
	40	00	06	27		668	00	02	37
	41	00	01	13		671	00	17	62
	39	00	01	98		677	00	05	71
	42	00	00	10		1046	00	01	67
	44	00	00	10		678	00	15	92
	401	00	00	20		631	00	02	01
	400	00	00	15		249	00	07	73
	36	00	00	37		250	00	04	70
	399	00	00	79		238	00	21	23
	37	00	05	79		237	00	00	20
	38	00	05	47		1091	00	00	10
	29	00	07	07		1005	00	01	45
घाइपुपुर	325	00	00	81		184	00	17	58
	326	00	00	10		183	00	06	99
	324	00	00	44		182	00	00	81
	323	00	00	53		1009	00	02	16
	288	00	17	86		154	00	05	20
	287	00	04	67		107	00	11	97
	285	00	04	14		108	00	04	46
	284	00	04	94		109	00	03	87
	282	00	09	58		110	00	02	62
हाडिआणिमाल	63	00	01	71		111	00	00	10
	64	00	01	18		89	00	04	14
	38	00	28	80		131	00	00	12
	41	00	00	48	कन्तोल	784	00	13	18
	40	00	02	18		785	00	00	10
	39	00	08	53		1319	00	05	07
	42	00	00	10		788	00	01	61
	27	00	02	36		789	00	01	34
	28	00	06	82		790	00	01	30
	29	00	07	24		791	00	00	26
	31	00	00	35		792	00	03	14
	33	00	02	30		795	00	01	22
	34	00	05	30		796	00	00	10
	145	00	01	62		794	00	03	06
भितरकरिकोल	643	00	08	20		1321	00	02	72
	644	00	01	78		797	00	00	66
	645	00	01	50		812	00	01	20
	646	00	01	47		811	00	00	40
	647	00	02	05		813	00	00	72
	648	00	00	20		827	00	00	24

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
कन्तोल-जारी	810	00	00	40	कन्तोल-जारी	341	00	04	08
	805	00	00	10		384	00	03	23
	806	00	00	35		385	00	00	76
	807	00	00	83		383	00	00	72
	808	00	02	01		381	00	00	20
	809	00	00	81		382	00	02	59
	769	00	01	02		378	00	03	11
	829	00	00	10		377	00	00	67
	830	00	01	69		345	00	03	96
	768	00	02	98		375	00	03	21
	767	00	01	08		373	00	01	53
	765	00	07	61		376	00	01	00
	761	00	04	08		374	00	02	88
	762	00	00	94		372	00	04	78
	758	00	03	81		371	00	03	04
	757	00	00	19		360	00	02	00
	756	00	01	75		1357	00	06	40
	755	00	01	15		359	00	00	37
	753	00	00	68		361	00	02	58
	663	00	02	18		159	00	02	79
	650	00	02	53		27	00	04	75
	652	00	03	98		28	00	05	59
	653	00	05	90		24	00	00	18
	654	00	03	49		12	00	17	99
	620	00	00	27		1287	00	04	76
	619	00	01	58		14	00	03	68
	655	00	00	34		13	00	02	90
	618	00	02	81		4	00	06	32
	617	00	02	82		3	00	00	67
	462	00	06	65		2	00	04	82
	463	00	03	52		1	00	01	57
	464	00	00	85	दोरड	213	00	02	15
	465	00	02	27		930	00	01	59
	466	00	00	80		214	00	02	37
	467	00	02	80		223	00	02	81
	1323	00	00	10		216	00	03	65
	468	00	00	35		222	00	02	91
	469	00	04	96		221	00	00	10
	470	00	00	10		217	00	07	27
	452	00	03	76		218	00	00	63
	450	00	03	77		209	00	02	08
	439	00	05	66		208	00	07	63
					निजिगड	874	00	02	30

(1)	(2)	(3)	(4)	(5)
निजिगड—जारी	2606	00	00	61
	783	00	00	65
	522	00	01	17
	520	00	03	18
	300	00	01	32
	301	00	02	50
	302	00	00	74
	303	00	15	54
	306	00	01	45
	305	00	05	65
	312	00	13	74
	295	00	00	77
	294	00	06	64
	292	00	00	10
	293	00	01	22
	282	00	00	14
	313	00	01	67
	279	00	09	01
	280	00	08	00
	281	00	02	12
	277	00	09	14
	273	00	00	25
	275	00	02	78
	276	00	01	62
	158	00	11	21
	159	00	00	10
	161	00	04	70
	162	00	02	00
	160	00	00	15
	133	00	05	36
	163	00	05	00
	134	00	05	91
	136	00	08	07
	139	00	04	63
	137	00	09	40
	138	00	01	71
	116	00	01	70
	106	00	10	16
	105	00	06	93
	104	00	02	28
	103	00	01	23
	102	00	12	26

(1)	(2)	(3)	(4)	(5)
निजिगड—जारी	101	00	00	65
	91	00	21	96
	96	00	02	55

[सं. आर-25011/21/2009-ओ.आर-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 16th December, 2009

S.O. 41.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Paradip (Orissa) to Raipur (Chhattisgarh) & Ranchi (Jharkhand), "Paradip—New Sambalpur—Raipur—Ranchi Pipeline" should be laid by Indian Oil Corporation Limited ;

'And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the Land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Sri Sukanta Kumar Pradhan, Competent Authority, Indian Oil Corporation Limited, Paradip—New Sambalpur—Raipur—Ranchi Pipeline Project, 1295, Forest Park, Bhubaneswar-751 009, (Orissa).

SCHEDULE

Tehsil : Athagarh District : Cuttack State : Orissa

Name of the Village	Plot No.	Area Hectare	Area Sq.mtr.	
(1)	(2)	(3)	(4)	(5)
1. Kandarpur	1850	00	80	52
	1851	00	04	11
	1811	00	00	10
	1812	00	02	60
	1813	00	04	68
	1816	00	01	76
	1814	00	14	05
	1608	00	02	52
	1618	00	16	20
	1592	00	02	62
	1591	00	01	96

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
1. Kandarpur—	1590	00	06	30	1. Kandarpur—	1341	00	05	06
<i>Contd.</i>	1433	00	01	70	<i>Contd.</i>	1334	00	02	89
	1434	00	00	31		1335	00	00	10
	1905	00	05	19		1337	00	01	47
	1426	00	00	17		1340	00	01	52
	1432	00	01	82		1338	00	00	60
	1431	00	00	20		1339	00	02	39
	1427	00	01	93		925	00	16	94
	1430	00	02	60		1909	00	00	24
	1416	00	00	72		923	00	09	93
	1429	00	00	15		1877	00	00	91
	1467	00	03	57		917	00	00	81
	1452	00	03	03		876	00	05	34
	1453	00	01	14		879	00	04	27
	1454	00	00	14		916	00	09	61
	1455	00	00	10		912	00	00	10
	1415	00	04	29		910	00	00	15
	1414	00	00	95		911	00	13	85
	1376	00	00	52		908	00	00	10
	1401	00	00	10		896	00	00	10
	1375	00	00	16		905	00	00	55
	1377	00	05	06		897	00	05	04
	1378	00	01	15		898	00	03	02
	1400	00	00	48		899	00	04	86
	1379	00	02	03		904	00	05	86
	1372	00	00	30		1876	00	02	80
	1381	00	03	05		903	00	11	87
	1380	00	01	90		902	00	00	10
	1382	00	03	38		880	00	06	32
	1383	00	01	90		839	00	00	10
	1384	00	02	72		847	00	00	19
	1385	00	02	79		845	00	07	62
	1386	00	05	76		1916	00	02	43
	1368	00	00	94		849	00	05	73
	1358	00	00	61		1864	00	27	37
	1356	00	11	06		850	00	04	16
	1357	00	01	08	Nandeilo	128	00	01	24
	1346	00	06	64		127	00	04	04
	1344	00	09	61		126	00	00	20
	1347	00	00	36		122	00	00	79
	1343	00	05	39		119	00	05	09
	1342	00	04	28		138	00	02	43
						139	00	09	96

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Nandeilo—Contd.	118	00	00	40	Bentapada—Contd.	2092	00	09	82
	635	00	03	08		2050	00	00	52
	140	00	00	51		2101	00	00	10
	111	00	08	62		2102	00	01	36
	112	00	00	66		2103	00	01	93
	110	00	00	10		2104	00	01	71
	109	00	03	09		2048	00	00	10
	108	00	09	86		2115	00	00	10
Banakhandi	1	00	01	35		2106	00	00	70
	250	00	02	24		2107	00	00	10
Bentapada	2556	00	63	65		2109	00	16	89
	2557	00	58	66		2108	00	01	34
	2537	00	02	70		3136	00	00	60
	2466	00	18	08		2110	00	07	94
	2467	00	02	28	Dhanurjayapur	469	00	00	30
	2464	00	08	67		468	00	10	05
	2485	00	02	08		467	00	02	17
	2486	00	08	30		466	00	03	21
	2487	00	03	07		321	00	04	19
	2482	00	01	39		512	00	01	33
	2481	00	05	83		319	00	01	13
	2502	00	02	09		315	00	07	86
	2503	00	08	37		318	00	08	66
	2181	00	00	10		317	00	00	66
	2504	00	04	30		316	00	07	58
	2168	00	05	42		310	00	13	36
	3212	00	04	11		309	00	04	81
	2167	00	00	42		308	00	12	88
	2166	00	00	56		297	00	00	74
	2156	00	05	19		276	00	10	19
	2165	00	01	76		278	00	00	48
	2157	00	03	62		277	00	04	00
	2158	00	00	20		279	00	00	75
	2995	00	00	29		275	00	12	19
	2155	00	00	30		258	00	02	47
	2150	00	01	41		260	00	04	96
	2153	00	01	73		261	00	01	59
	2149	00	00	10		262	00	08	07
	2151	00	04	38		509	00	00	10
	2145	00	02	76		240	00	04	26
	2189	00	00	87		236	00	01	03
	2094	00	00	57		239	00	00	10
	2093	00	03	92		241	00	08	00

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Dhanurjayapur—	242	00	10	37	Gadadharpur—contd.	65	00	02	45
<i>Contd.</i>	224	00	01	05		40	00	06	27
	223	00	06	51		41	00	01	13
	222	00	04	41		39	00	01	98
	185	00	12	98		42	00	00	10
	184	00	04	92		44	00	00	10
	187	00	00	10		401	00	00	20
	186	00	07	54		400	00	00	15
	175	00	07	58		36	00	00	37
	173	00	02	58		399	00	00	79
	172	00	06	49		37	00	05	79
	171	00	00	57		38	00	05	47
Gadadharpur	341	00	00	15		29	00	07	07
	340	00	03	26	Dhaipur	325	00	00	81
	337	00	02	75		326	00	00	10
	338	00	07	04		324	00	00	44
	406	00	00	10		323	00	00	53
	336	00	00	11		288	00	17	86
	328	00	00	12		287	00	04	67
	326	00	00	10		285	00	04	14
	327	00	01	92		284	00	04	94
	308	00	08	05		282	00	09	58
	307	00	09	13	Hadianimal	63	00	01	71
	303	00	00	10		64	00	01	18
	304	00	03	08		38	00	28	80
	302	00	02	93		41	00	00	48
	231	00	01	14		40	00	02	18
	280	00	02	57		39	00	08	53
	279	00	05	56		42	00	00	10
	277	00	04	76		27	00	02	36
	278	00	01	28		28	00	06	82
	276	00	00	10		29	00	07	24
	272	00	00	10		31	00	00	35
	271	00	03	50		33	00	02	30
	270	00	00	10		34	00	05	30
	265	00	02	73		145	00	01	62
	266	00	08	66	Bhitarkarikol	643	00	08	20
	267	00	02	55		644	00	01	78
	268	00	02	27		645	00	01	50
	78	00	00	57		646	00	01	47
	269	00	03	23		647	00	02	05
	67	00	00	98		648	00	00	20
	66	00	07	40		669	00	06	76
	68	00	00	14		668	00	02	37
	64	00	01	65					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Bhitarkarikol—	671	00	17	62	Kantol—Contd.	806	00	00	35
Contd.	677	00	05	71		807	00	00	83
	1046	00	01	67		808	00	02	01
	678	00	15	92		809	00	00	81
	631	00	02	01		769	00	01	02
	249	00	07	73		829	00	00	10
	250	00	04	70		830	00	01	69
	238	00	21	23		768	00	02	98
	237	00	00	20		767	00	01	08
	1091	00	00	10		765	00	07	61
	1005	00	01	45		761	00	04	08
	184	00	17	58		762	00	00	94
	183	00	06	99		758	00	03	81
	182	00	00	81		757	00	00	19
	1009	00	02	16		756	00	01	75
	154	00	05	20		755	00	01	15
	107	00	11	97		753	00	00	68
	108	00	04	46		663	00	02	18
	109	00	03	87		650	00	02	53
	110	00	02	62		652	00	03	98
	111	00	00	10		653	00	05	90
	89	00	04	14		654	00	03	49
	131	00	00	12		620	00	00	27
Kantol	784	00	13	18		619	00	01	58
	785	00	00	10		655	00	00	34
	1319	00	05	07		618	00	02	81
	788	00	01	61		617	00	02	82
	789	00	01	34		462	00	06	65
	790	00	01	30		463	00	03	52
	791	00	00	26		464	00	00	85
	792	00	03	14		465	00	02	27
	795	00	01	22		466	00	00	80
	796	00	00	10		467	00	02	80
	794	00	03	06		1323	00	00	10
	1321	00	02	72		468	00	00	35
	797	00	00	66		469	00	04	96
	812	00	01	20		470	00	00	10
	811	00	00	40		452	00	03	76
	813	00	00	72		450	00	03	77
	827	00	00	24		439	00	05	66
	810	00	00	40		341	00	04	08
	805	00	00	10		384	00	03	23

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Kantol— <i>Contd.</i>	385	00	00	76	Nijigarh— <i>Contd.</i>	520	00	03	18
	383	00	00	72		300	00	01	32
	381	00	00	20		301	00	02	50
	382	00	02	59		302	00	00	74
	378	00	03	11		303	00	15	54
	377	00	00	67		306	00	01	45
	345	00	03	96		305	00	05	65
	375	00	03	21		312	00	13	74
	373	00	01	53		295	00	00	77
	376	00	01	00		294	00	06	64
	374	00	02	88		292	00	00	10
	372	00	04	78		293	00	01	22
	371	00	03	04		282	00	00	14
	360	00	02	00		313	00	01	67
	1357	00	06	40		279	00	09	01
	359	00	00	37		280	00	08	00
	361	00	02	58		281	00	02	12
	159	00	02	79		277	00	09	14
	27	00	04	75		273	00	00	25
	28	00	05	59		275	00	02	78
	24	00	00	18		276	00	01	62
	12	00	17	99		158	00	11	21
	1287	00	04	76		159	00	00	10
	14	00	03	68		161	00	04	70
	13	00	02	90		162	00	02	00
	4	00	06	32		160	00	00	15
	3	00	00	67		133	00	05	36
	2	00	04	82		163	00	05	00
	1	00	01	57		134	00	05	91
Doroda	213	00	02	15		136	00	08	07
	930	00	01	59		139	00	04	63
	214	00	02	37		137	00	09	40
	223	00	02	81		138	00	01	71
	216	00	03	65		116	00	01	70
	222	00	02	91		106	00	10	16
	221	00	00	10		105	00	06	93
	217	00	07	27		104	00	02	28
	218	00	00	63		103	00	01	23
	209	00	02	08		102	00	12	26
	208	00	07	63		101	00	00	65
Nijigarh	874	00	02	30		91	00	21	96
	2606	00	00	61		96	00	02	55
	783	00	00	65					
	522	00	01	17					

[No. R-25011/21/2009-OR-I]

B. K. DATTA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 4 दिसम्बर, 2009

का.आ. 42.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.1, धनबाद के पंचाट (संदर्भ संख्या 29/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-2009 को प्राप्त हुआ था।

[सं. एल-20012/251/2002-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 4th December, 2009

S.O. 42.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 29/2003) of the Central Government Industrial Tribunal No.1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 4-12-2009.

[No. L-20012/251/2002-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No.1, DHANBAD**

In the matter of a reference U/s. 10 (1) (d) (2A) of Industrial Disputes Act, 1947.

Reference No. 29 of 2003

Parties: Employers in relation to the management of Sijua Area of M/s. B. C. C. Ltd.

AND

Their workmen

Present : Shri H. M. Singh, Presiding Officer**APPEARANCES**

For the employers : Shri D. K. Verma, Advocate

For the workman : Shri B. N. Singh, Advocate

State : Jharkhand Industry : Coal

Dated, the 3rd November, 2009.

AWARD

By Order No. L-20012/251/2002-IR (C-1) dated 10-3-2003 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management to dismiss Sri Prithvi Chouhan, Cap Lamp Mazdoor from service w.e.f. 4/19-12-2000 is proper and justified? If not to what relief is the concerned workmen entitled?”

2. The case of the concerned workman is that he was appointed initially as temporary miner/loader at Loyabad Colliery vide letter of appointment dated 1-2-83/7-7-83. Initially he was on probation for a period of one year and thereafter after observing his satisfactory performance of work he was confirmed as miner/loader.

The concerned workman was converted into time rate and in due course he was transferred to Sendra Bansjora Colliery and after remaining in service peacefully for about 17 years being treated as permanent workman was issued chargesheet dated 8/10-4-2000 with his suspension thereby. The allegation against him was for obtaining employment in place of Late Sarju Chouhan, Ex-wagon Loader of Loyabad Colliery declaring himself falsely as son of Late Sarju Chouhan and the chargesheet was issued against him under clause 26.1.11 and 26.1.12 of the Certified Standing Orders for workmen of BCCL. Clause 26.1.11 of the Certified Standing Orders reads as “Theft, fraud, dishonesty in connection with company’s business and property” and clause 26.1.12 of C.S.O. reads as “false declaration for taking employment or wrong information in respect of previous employment for age or other things required by the company”.

The concerned workman submitted reply to the allegation denying the charges. The reply of the concerned workman was not satisfactory and the management decided to hold departmental enquiry and the enquiry was conducted on 18-8-2000, 25-8-2000 and on 1-9-2000 and it was completed on 1-9-2000. In the departmental enquiry the concerned workman participated and management witnesses also fully participated. After conclusion of departmental enquiry, the Enquiry Officer submitted his report holding the concerned workman guilty under clause 26.1.12 of C.S.O. and it reveals from perusal of the report of the Enquiry Officer that vide letter bearing Ref. No. 1205 dated 19-9-90 issued from office of the Supdt. of Police, Palamau, the concerned workman has been shown as Son of Late Sarju Chauhan. This report was received by the management to confirm genuinity of the concerned workman as Son of Late Sarju Chouhan and on this basis he was allowed to continue in service for several years. Whereas vide another report of Supdt. of Police bearing Ref. No. 879 dated 6-8-99, the concerned workman has not been shown as Son of Late Sarju Chouhan. From perusal of the report of the Enquiry Officer it is not discerned as to what prompted the management to receive this another report on the same subject after more than 8 years and how the other report of 1999 differs from the earlier report of 1990 issued from the office of the same authority nor did the Enquiry Officer try to seek clarifications in this context from management witness or management

representative and in view of all these the Enquiry Officer did not apply his mind to find out reality on the above issue. It appears from the report of the Enquiry Officer that chargesheet was issued on receipt of complaint dated 31-5-90 of Joint Secretary of Janta Mazdoor Sangh but the date of the complaint letter is wrongly written as 30-5-90 whereas the correct date is 31-5-90. But in cross-examination by the delinquent of management witness No.2 Shri R. N. Singh, the witness No. 2 stated that he enquired about one Shri R. S. Sharma, Signatory of the letter of complaint and during enquiry he was informed that no man of the name of Shri R. S. Sharma was Joint Secretary of Janta Mazdoor Sangh and nor Shri R. S. Sharma was ever produced to prove the said letter. From the report of the Enquiry Officer it reveals that Shri Balram Prasad stated that he made investigations in Police Station of the native place of the concerned workman to find out the facts about the workman's "being Son of Late Sarju Chouhan but on demand by the delinquent during enquiry, he did not produce any of such persons examined by him in Police Station of the native place of the concerned workman and as per report of the Enquiry Officer, the concerned workman was denied opportunity to cross-examine this witness to prove the allegation against the concerned workman violating principles of natural justice. Further during his examination the Vigilance Officer stated that he himself did not make enquiry directly but it was done by police but on demand by the concerned workman during enquiry no police officer was produced. In view of all above in totality on account of non-existence the letter of complaint dated 31-5-90 being the basis of charge-sheet, non-existence of signatory of the complaint and the said complaint treated as Ghost complaint even by the Enquiry Officer, his report drawn on perverse findings, drawn by non-application of his mind on several counts, the dismissal of the concerned workman after peaceful continuous service for 17 years is liable to be set aside as per several decisions of Hon'ble Supreme Court. Against the dismissal order an industrial dispute was raised before the ALC (C) which ended in failure due to adamant attitude of the management. Thereafter the present dispute has been referred to this Tribunal for adjudication.

It has been prayed before this Hon'ble Tribunal to please pass an award in favour of the workman by holding that the action of the management in dismiss the concerned workman, Prithvi Chouhan is not justified.

3. The case of the management is that the concerned workman was given offer of employment as miner/loader at Loyabad Colliery on compassionate ground in place of late Sarju Chouhan, Ex-wagon Loader of Loyabad Colliery. He came on transfer from Loyabad Colliery to Sendra Bansjora Colliery on 2-9-98 where he was working as Cap Lamp Mazdoor. Later on it came to the notice of the colliery that Prithivi Chouhan, the concerned workman managed to get employment in BCCL falsely and fraudulently claiming to be the son of Late Sarju Chouhan, Ex-wagon Loader of Loyabad Colliery. The above act of the workman

concerned is misconduct according to the Certified Standing Order of the company. The management issued a chargesheet to him vide Chargesheet dated 8/10-4-2000 and a corrigendum was issued in respect of the aforesaid chargesheet by corrigendum dated 6-5-2000. The following charges were levelled against the concerned workman :

"It was brought to the notice of the management that Prithivi Chouhan, Cap Lamp Mazdoor, has taken employment in death in harness scheme in place of late Sarju Chouhan, Ex-wagon Loader, Loyabad Colliery declaring him as his son. The same is false because Sri Prithivi Chouhan is own brother of late Sarju Chouhan.

26.1.11 : Theft, fraud, dishonesty in respect of Company's business or property.

26.1.12 : False declaration for taking employment or wrong information in respect of previous employment for age and other things required by the company."

The concerned workman submitted his reply denying the charges levelled against him. The reply of the concerned workman was not satisfactory and accordingly the management appointed Sri R. B. P. Sahi as Enquiry Officer to conduct domestic enquiry in accordance with principle of natural justice. The Enquiry Officer conducted domestic enquiry in accordance with principle of natural justice and submitted his report holding therein that the charges levelled against the workman concerned fully established and found him guilty of the charges. Thereafter the disciplinary authority concurred with the finding of the Enquiry Officer and supplied the copy of enquiry report to the workman concerned and gave him an opportunity to submit his representation and the same was also considered by the management but not found satisfactory. Since the charges were grave in nature the management dismissed the concerned workman from service of the company after taking approval from the competent Authority. The dismissal of the concerned workman is legal and justified and in accordance with principles of natural justice.

It has been prayed that an award be passed by holding that the dismissal of the concerned workman is legal and justified and the concerned workman is not entitled to any relief.

4. Both the parties have filed their respective rejoinder admitting and denying the contents of some of the paragraphs of each other's written statement.

5. On 27-8-2009 Shri B. N. Singh, Advocate, appearing on behalf of the sponsoring union accepted the fairness of the domestic enquiry and accordingly it has been held that the domestic enquiry conducted by the management as fair and proper. Thereafter the case was heard on merit.

6. The workman has produced himself as WW-1 but he has not been cross-examined by the management.

The management has produced MW-1- Rabinranath panda who has proved documents as

Ext. M-1, M-1/1 and Ext.M-2. The management has also produced MW-2 who has proved document as Ext. M-3, M-4 series, M-5 and M-6.

7. Main argument advanced on behalf of the concerned workman is that the concerned workman was initially appointed as miner/loader and after conversion into time rate he was transferred to Sendra Bansjora Colliery where he rendered service for about 17 years he was issued a chargesheet for giving false declaration for taking employment or wrong information in respect of previous employment for age or other things required by the company. The matter was enquired into and in the report of the supdt. of Police, Palamau dated 19-9-90 the concerned workman was shown as son of Late Sarju Chouhan and he was allowed to continue in service. But Later on some complaint was made Sri R.S. Sharma, who has never been examined by the management and again in the year 1999 police report has stated that he is not son of Sarju Chouhan and on this basis he was dismissed from service. In this respect the concerned workman to show that he is son of Late Sarju Chouhan, documents have been filed, the Judgement of Judicial Magistrate 1st Class, Dhanbad dated 16-8-2000 which shows that the concerned workman is son of Late Sarju Chouhan, regarding which a case under G. R. Case No. 1475/93 was lodged on 30-4-93 in which 1st Information Report which has been lodged by Sub-Inspector, Lalan Singh, the concerned workman's father has been shown as Late Sarju Chouhan on which basis he was acquitted in T. R. No. 963/97 dated 16.8.2000 by Judicial Magistrate.

In the Driving Licence No. 52575/PE which has been issued on 12-7-1985 he was shown the son of Late Sarju Chouhan and in the police report dated 19-9-90 the concerned workman has shows as son of Late Sarju Chouhan and also in Voter List his name has been mentioned as Prithivi Chouhan S/o Late Sarju Chouhan. All these documents show that he was the son of Late Sarju Chouhan. Moreover, in this respect affidavit has also been filed by him as well as his family members, namely, Ramesh Chouhan, Rakesh Chouhan, Sushila Kumari D/o Late Sarju Chouhan and Anita Kumari D/o Late Sarju Chouhan and also certificate. In educational certificate No. 1232 dated 6-11-2000 shows that he is son of Late Sarju Chouhan and certificate issued by Prakanda Vikash Padadshikari dated 22-8-2000 shows that Prithivi Chouhan is son of Late Sarju Chouhan. All these documents show that the concerned workman is the son of Late Sarju Chouhan.

8. The management has not given evidence. Moreover, the complainant has not been examined in this case i.e. R. N. Sharma. In this respect management's witness MW-2 - R. B. P. Sahi is relevant, who has stated in cross-examination at page 2 that the management has appointed the concerned workman after verifying his genuinity. The enquiry was instituted as per the complaint of R. S. Sharma, of Janta Mazdoor Sangh. The complainant was not examined in the enquiry proceeding. I have mentioned in the

enquiry report that there is no person named R.S. Sharma in Janta Mazdoor Sangh. I have mentioned in the enquiry report that the complaint was a ghost complaint. The concerned workman was verified from the S. P. concerned and witness was also examined R. N. Singh and Balram Prasad. They have not been produced by the management. Moreover, after serving 17 and verification by the police in the year 1990, police report shows that he is son of Late Sarju Chouhan and the complaint was not imagined and as per witness, it is ghost complaint, the concerned workman was dismissed from service. There is not a single document which may show that he is not son of Late Sarju Chouhan. The public documents filed by the concerned workman show that Prithivi Chouhan was the son of Late Sarju Chouhan. All these documents were ignored by the Enquiry Officer illegally and on the ghost complaint a person cannot be charge-sheeted and dismissed.

In view of the discussions made above, I come to the conclusion that the dismissal of the concerned is not justified and accordingly, the concerned workman is entitled for reinstatement with 50% back wages.

9. Accordingly, I render the following award. -

the action of the management to dismiss Prithivi Chouhan, Cap Lamp Mazdoor from service w.e.f. 4/19-12-2000 is not proper and justified. Hence, the concerned workman is entitled for re-instatement with 50% back wages, with continuity of service. The management is directed to implement the award within 30 days from the date of publication of the award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का.आ. 43.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी. एल. के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.1, धनबाद के पंचाट (संदर्भ संख्या 22/1989) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-2009 को प्राप्त हुआ था।

[सं. एल-24012/23/87-डी.आई.बी.(बी)/आई.आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S.O. 43.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 22/1989) of the Central Government Industrial Tribunal No.1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 4-12-2009.

[No. L-24012/23/87-D.IV(B)/IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 1, DHANBAD**

In the matter of a reference U/s. 10 (1) (d) (2A) of
Industrial Disputes Act.

Reference No. 22 of 1989

Parties: Employers in relation to the management of
Bararee Colliery of M/s. B. C. C. Ltd.

AND

Their workmen

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the employers : None

For the workman : None

State : Jharkhand. Industry : Coal

Dated, the 6th November, 2009

AWARD

By Order No. L-24012/23/87-D.IV(B)-IR (Coal-I) dated 1-3-1989 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bararee Colliery of M/s. Bharat Coking Coal Limited in retiring Shri Harakhdeo, Tyndal w.e.f. 8-8-86 is justified ? If not to what relief is the workmen entitled ?”

2. The case of the concerned workman is that he was employed in permanent post w.e.f. 12-12-1961 and since then he was in Continuous service till he was prematurely superannuated. By letter dated 8-8-86 the concerned workman was informed that in accordance with the entry of his date of birth in the Company's register which is 12-12-1925 he was being superannuated. The concerned workman contested and challenged the entry of date of birth as 12-12-1925 and raised an industrial dispute with the management of BCCL by his representation dated 9-8-86 which was addressed to the Colliery Superintendent with a copy to GM and PM of Bhowra Area. It was brought to the notice of the management that the Pay Coupon which was issued by BCCL of Area No. XI mentioned the number of 'B' Form Register as 208535. The date of birth mentioned therein is 10-10-41. Identity Card No. 174724 was issued to him in which the age has been mentioned as 36 years on 10-10-77. Thereafter the concerned workman raised industrial dispute before A.L.C. (C), Dhanbad which ended in failure and thereafter the present dispute has been referred to this Tribunal for adjudication. It has been submitted that BCCL gives 6 months notice prior to superannuation or even 3 months notice but in the instant case the superannuation was effectuated simultaneously by issuance of letter dated 8-8-86. In accordance with the

provision of NCWA specific provision has been made that in case of variation of date of birth or age in different documents the concerned workman ought to be sent to the Medical Board for assessment of age which was also not done. It has been prayed that the Hon'ble Tribunal be pleased to pass an award by holding that the action of the management in superannuating the concerned workman w.e.f. 8-8-86 is not justified and the concerned workman be reinstated in service with full back wages.

3. The case of the management is that Harakhdeo was originally appointed at Jealgora Colliery on 12-12-1961 and his age has been shown as 36 years in Form "B" register of Jealgora Colliery. He was transferred from Jealgora colliery to Bararee Colliery on 19-11-85. According to original record his date of birth is 12-12-1925 and he completed sixty years of age on 11-12-85. He was superannuated w.e.f. 8-8-86. He got advantage of about 8 month's service by managing the matter of his superannuation with dealing clerk. It has been submitted that Form 'B' Register is maintained under Sec. 48 of the Mines Act, 1952, read with Mines rules 1955 and therefore it is a statutory document. The date of birth entered in the Form "B" Register is presumed to be correct conclusively for purpose of superannuation as per the provisions of Standing Orders and no one has the right to challenge his superannuation whatsoever according to date of birth entered in the Form "B" Register. Accordingly the concerned workman is not entitled to any relief.

In rejoinder, the management has denied that the concerned workman was prematurely superannuated arbitrarily and illegally. It has been stated that as the case of the concerned workman does not fall within the ambit of medical examination and determination of age, his case was not referred to Apex Medical Board. It has been prayed before this Hon'ble Tribunal to be graciously pleased to pass the Award holding that the concerned workman is not entitled to any relief.

4. In rejoinder to the written statement of the management, the workman has stated almost the same things as has been stated in its written statement.

5. The management has produced MW-1-Jogendra Narayan Gupta who has proved Ext. M-1.

The workman has not produced any witness before this Tribunal.

6. The notices were sent to the concerned workman and the management on 8-5-2009 fixing date of hearing of argument on 18-6-2009. But neither appeared on behalf of the workman nor the management to argue the case.

7. Perused the record. Main contention on behalf of the workman is that his date of birth should have been recorded in the company's record as 12-12-25 was incorrect, it should be 10-10-1941 because in the Identity Card issued by the company in which his age has been mentioned as 10-10-77. But due to illegal action his age has been mentioned in the record of the company in Form 'B' Register as 12-12-1925 and, accordingly, he has been

superannuated illegally. The workman has not produced himself to be examined in Support of his case. As per document filed on behalf of the workman it shows that they are photo copies which cannot be relied. In Ext. M-1, Form 'B' register his date of birth has been written as 12-12-1925 which is statutory document and maintained under Mines Act which cannot be dis-believed. It has also been mentioned in the written statement filed on behalf of the concerned workman that this manipulation has been done in his date of birth, but this cannot be accepted, unless the workman has produced himself in support of this contention on oath. He was also in jail and the case was adjourned due to his involvement in criminal case and when he was put in the jail.

8. Considering the facts and circumstances stated above, I render the following award :—

The action of the management of Bararoo Colliery of M/s.B.C.C.Ltd. in retiring Shri Harakhdeo, Tyndal w.e.f. 8-8-86 is justified and, accordingly the concerned workman is not entitled to any relief.

H. M. SINGH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का. आ. 44.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी. सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय सं.1, धनबाद के पंचाट (संदर्भ संख्या 94/1988) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-2009 को प्राप्त हुआ था।

[सं. एल-24012/111/87-D.4 (B)-आई.आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S.O. 44.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 94/1988) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 4-12-2009.

[No. L-24012/111/87-D.4(B)-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD

In the matter of a reference U/s. 10 (1) (d) (2A) of
Industrial Disputes Act, 1947.

Reference No. 94 of 1988

Parties: Employers in relation to the management of Bararee Colliery of Bhowra Area No. XI of M/s. B. C. C. Ltd.

AND

Their workmen

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the employers : Shri U. N. Lal, Advocate.

For the workmen : Shri B. B. Pandey, Advocate

State : Jharkhand. Industry : Coal

Dated, the 27th November, 2009

AWARD

By order No. L-24012/111/87-D.4(B)-IR (Coal-I) dated 13-6-1988 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management Bararee Colliery of Bhowra Area No. XI of M/s. B.C.C.Ltd. not to regularise the departmental workers as named in Annexure “A” is justified ? If not, to what relief the workmen concerned are entitled ?”

2. The case of the concerned workmen is that they had been working in the colliery in the capacity of rail, pipe and timber carrying, line packing, drilling, supporting, dye cutting, khanja cutting, stone cutting, etc. in 5pit, 1 pit and 6pit of Bararee Colliery of M/s. B.C.C.Ltd. The concerned workmen have been working as departmental workers of BCCL, but they were not given the same scale of pay and allowances being paid to other regular employees. The concerned workmen approached the local management to regularise their services like other regular employees and to pay them their legitimate dues, but the management failed to do the same. Finding no other alternative an industrial dispute was raised on behalf of the concerned workmen by Dhanbad Colliery Karamchari Sangh. Conciliation proceeding ended in failure due to adamant attitude of the management. Thereafter the dispute has been referred to this Hon'ble Tribunal for adjudication. It has been submitted that the works performed by the workman concerned was being supervised by Mining Sirdar and other Supervisory and Managerial personnels of BCCL. All the materials, tools, apparatus required for performing the work by the workmen concerned were being supplied by the management.

It has been prayed before this Tribunal to pass an award in favour of the workmen by directing the management to regularise in the service of M/s. BCCL and to pay wages as per NCWA.

3. The case of the management is that the present reference is not legally maintainable. It has been submitted that since there was fire at Bararee Colliery, contractors had been engaged from time to time depending upon the exigencies to do various miscellaneous jobs in order to prevent the risk of its spreading to other places. The work

was of varying nature and magnitude and, hence, it was not found expedient to deploy and maintain regular and permanent departmental workers of its own to execute the same. For execution of the aforesaid jobs Sri Azmat Ali was engaged as one of the contractors. Azmat Ali, the contractor was engaged intermittently for limited purpose and period. He was deploying his own men for the execution of the job. The nature of work assigned to the contractor was that it did not require deployment of a large force of 50 persons. The union had itself been making conflicting claims in this regard. The management did not exercise direct supervision and control over the work of the persons deployed by the contractor except those required by the statutory provisions of the safety regulations. The management has no obligation under the law to regularise and take the contractor's men on the departmental rolls as regular employees. The management also does not have the need for maintaining a permanent and regular departmental workers for such intermittent and miscellaneous jobs.

It has been prayed that the Hon'ble Tribunal may be gracious enough to appreciate that the persons concerned have no right to be regularised as departmental workmen and hence the action of the management in denying the same is perfectly justified and lawful.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The workmen have produced WW-1- K.D. Mishra and WW-2- Kameshwar Saw.

The management has produced MW-1- Sanatan Ghosh. The management has filed documents marked Exts. M-1 to M-7.

6. The main argument advanced on behalf of the concerned workmen is that they be regularised because they were working with the management for doing the job of stone cutting, khanja cutting and extraction of coal in the underground mines and mole cutting etc. in the 5 pit, 3 pit and 6 pit of Bararee Colliery. These works were taken by the management through contractor, Azmat Ali. The management has not produced Azmat Ali to prove that he is an independent contractor under whom the concerned workmen were working under direct control and supervision of the management.

7. The management argued that one Azmat Ali was a recognised contractor and he used to be awarded contract as and when required on some miscellaneous nature of jobs. He used to engage his own workmen according to the nature of jobs available to him on the work orders and after completion of the job he terminates the service of his workmen. The workmen were doing different kinds of job under Azmat Ali, contractor. Azmat Ali engaged his brother-in-law, Halim Mia as his Munshi to look after the contract job underground. The Munshi used to supervise the job of the workmen engaged on any such jobs. The contractor used to submit bills and the Surveyor of the management used to take down the measurement and verify the bills

and after proper checking the bills were paid to the contractor. The contractor maintains the attendance book of the workmen engaged by him on different jobs and maintains the pay-sheet in respect of the payment given to them. His Munshi used to deploy the workmen at different work and supervise their jobs. As per Exts. M-1 and M-7 to M-7/10 which shows that the contractor used to maintain the attendance of workmen deploy them at different places of work. Ext. M-2 is the pay-sheet of the contractor in three bunches Ext. M-4, contractor bills and Exts. M-5 to Ext. M-5/7 measurement book for the purpose of checking the bills and Ext. M-6, indicating the estimates of contractor's work. Ext. M-3 is the registration certificate of the company for engaging contractor on some miscellaneous jobs through the contractor, Azmat Ali. It is also argued that Bararee Colliery was under fire and in order to prevent spread of fire to other districts and other areas of the mine, some civil construction jobs were required to be carried on in the form of isolation stoppings and ventilation stoppings. In this connection, some machineries were required for underground operation and for such purposes, civil construction job in the form of foundation work was also necessary. The contractor, Azmat Ali was mainly and substantially engaged on such jobs associated with fire control at Bararee Colliery. The contractor was also given some miscellaneous jobs in the mines in other areas like packing of lines or shifting of materials or construction of ventilation stoppings etc. as and when required. It has also been argued that there was no bar for engagement of contractor on the civil construction jobs which were carried on the surface or underground. The Central Government issued notification U/s. 10 of the Contract Labour (Regulation & Abolition) Act and the notification has been published with the No. SO 2063 dated 31st June, 1988 prohibiting engagement of contractor on the jobs mentioned in the schedule to the notification. As per the schedule, the management cannot engage raising contractor or raising-cum-selling contractor of a coal mine. The raising contractor is the party which is given the entire coal mine for the purpose of performing all the jobs and producing coal and receiving the money value per tonne of coal raised. The company merely sells the coal and makes payment for raising part to the contractor and gets the profit. In case of raising-cum-selling contractor, the company hand-over the entire colliery to the party who does all the jobs relating to raising and selling of the coal receives the rent per ton basis which is similar to royalty payable to the State Government on the basis of the lease. Such type of practices are not permissible according to the aforesaid notification. The notification prohibits engagement of contract labour on the processes of loading and unloading of coal. The coal as obtained after blasting and the coal so obtained is loaded into tubs or into conveyors and transported to the surface and unloaded on the surface. These jobs are directly connected with winning of coal and engagement of contract labour has been prohibited on such job. The notification further

prohibits engagement of contract labour on removal of overburden in the opencast workings and manufacturing of soft coke on the surface. There is no prohibition of engagement of contract labour on other kinds of jobs incidental to or connected with fire control, ventilation, stabilization, stowing operations, packing operations etc. The notification prohibits engagement of contract labour in driving stone drifts in coal and on other miscellaneous stone cutting jobs underground subject to the over-riding proviso that cutting of stone drifts through faults which cannot be detected in advance and are of short duration upto six months may be carried on by engaging contractor. Thus, engagement of contractor on stone cutting jobs has not been prohibited by the notification in absolute terms and engagement of contract labour on stone cutting jobs underground for a period upto six months to cross over stone drifts, stone dyes or other geological disturbance has been permitted as existence of such disturbance cannot be foreseen or anticipated and the duration of work hardly continues for a period of 2-6 months only. Therefore, the important ground for demanding regularisation of contractor labour is non-existent in the present case. All the concerned persons have not worked as contractor workers and none of them have put the attendance to indicate that they are regularly employed all throughout on any kind of job. As per the documentary evidence as well as oral evidence, the contractor perform the jobs which have not been prohibited as per the aforesaid notification and none of them was ever engaged continuously throughout the year. Therefore, the demand of the concerned workmen for regularisation does not and cannot arise.

It has been prayed that the Hon'ble Tribunal be graciously pleased to hold that Azmat Ali is a real contractor engaged on specialised jobs of fire control at Bararee colliery and the workmen of the contractor cannot demand for abolition of the contract system and their absorption under the principal employer and, accordingly, they are not entitled to any relief.

8. In this respect WW-1- K. D. Mishra has been produced by the workman and he stated 'I was President of the sponsoring union when dispute was sponsored'. I also stated that these concerned persons were working at Bararee colliery. He stated in cross-examination at page 2 that there is no signature put by him in the papers relating to payment of wages to the concerned persons through contractor or any other papers filed by the management. So far they have not filed the bio-data of each concerned person with their photograph. It shows that he himself is a leader and he is working at Sudamdih colliery as union leader and he has come to give evidence on behalf of the concerned workmen though he is working in another colliery for the concerned workmen working at Bararee colliery because he raised the dispute on behalf of the concerned Workmen. So his evidence cannot be relied. WW-2- Kameshwar Saw, who is said to be working at Bhulanbararee colliery, has stated in examination-in-chief

that "we were working at Bhulanbararee colliery from the year 1985 as coal cutter and stone cutter. I am one of the concerned workman. I am deposing on behalf of all the concerned workmen. They were all working with me. This colliery is also called as Bararee colliery. We were working on the surface of the mine as well into underground of mine. We have been stopped from work from last two to two and half years. We were being provided by the management of the colliery, drill machine, detonator, jhaora, shoval, belcha etc. for doing the job of coal cutting and stone cutting. We were being provided cap lamp also. Our attendance was being marked in the register of the colliery. From the attendance register filed by the management it will prove that we were working in the said colliery. Management was not making us payment of wages as per regular workmen of the colliery. We were being paid wages in the cash counter of the management. The management used to call us contractor's workers. But no contractor was supervising our work. Our work was being supervised by the management of the colliery. Mining Sirdar and Overman used to supervise our work. Our demand for departmentalisation and regularisation is justified. Before stopping work the management has not given us any notice. We have not been paid any retrenchment benefits. In cross-examination at page 2 he said that Azmat Ali used to make us payment. Work order used to be issued in the name of Azmat Ali and on that basis he engaged us. Halim Mia used to keep accounts of the work done by us. The management of the colliery has not issued us any appointment letter or identity card. We were not getting any pay slip. We were getting wages through the payment-sheet of the contractor. If any worker used to commit mistake in doing the job allotted to him it was Halim Mia who used to report the matter to the contractor and the contractor used to remove such worker. I have got no work order to show that we were engaged for job of coal cutting. I have got no paper to show that we were doing the job of coal cutting. At page 3 he has said I have got no paper to show that we were doing the job of stone cutting. He has admitted that they were doing work occasionally only when any work existed.

This statement of the concerned workman shows that they worked occasionally. They were not doing the stone cutting or coal cutting job. As per them, their work was supervised by the contractor. There is no appointment letter. There is no payment-sheet by the management, no identity card has been issued to them by the management.

In view of the facts and evidence discussed above, the concerned workmen are not entitled to any relief.

9. Accordingly, I pass the following award—

The action of the management of Bararee Colliery of M/s. B.C.C.Ltd. not to regularise the departmental workers, as mentioned in order of reference, is justified and hence the concerned workmen are not entitled to any relief.

H. M. SINGH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का. आ. 45.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 217/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-09 को प्राप्त हुआ था।

[सं. एल-20012/36/2000-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S. O. 45.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 217/2000) of the Central Government Industrial Tribunal/ Labour Court No-I, Dhanbad now as shown in the Annexure in Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 4-12-09.

[No. L-20012/36/2000-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
(No. I), DHANBAD.**

In the matter of a reference under section 10(1)(d) & (2A) of Industrial Disputes Act, 1947

Reference No. 217 of 2000

Parties : Employers in relation to the management of Putkee Balihari Colliery of M/s. BCCL

AND

Their Workmen

Present : Shri H. M. Singh, Presiding Officer

For the Employers : Sri D.K. Verma, Adv.

For the Workmen : None

State : Jharkhand : Industry : Coal

Dated, 11th November 2009

AWARD

By Order No. L-20012/36/2000 (C-I), Dated 24-7-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the denial of the management to regularise Sri Basudev Saw as Pump Operator is proper and justified? If not, to what relief is the workman entitled and from what date ?”

2. This reference case was received in this Tribunal on 7-8-2000. Thereafter, notices were sent to the parties to file written statement by the sponsoring union/workman. In spite of notice sent by speed post no written statement has been filed by the workman till 20-7-09. It, therefore, appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

In such circumstances, I render No Dispute Award in this reference case.

H.M. SINGH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का. आ. 46.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 219/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-09 को प्राप्त हुआ था।

[सं. एल-20012/53/2000-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S. O. 46.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 219/2000) of the Central Government Industrial Tribunal/ Labour Court No-I, Dhanbad now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 4-12-09.

[No. L-20012/53/2000-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM LABOUR COURT
(No. I), DHANBAD.**

In the matter of a reference under section 10(1)(d) & (2A) of Industrial Disputes Act, 1947

Reference No. 219 of 2000

Parties : Employers in relation to the management of Putkee Belihari Area of M/s. BCCL

AND

Their Workmen

Present : Shri H. M. Singh, Presiding Officer

For the Employers : Sri D.K. Verma, Adv.

For the Workmen : None

State : Jharkhand **: Industry :** Coal

Dated, 10th November, 2009

AWARD

By Order No. L-20012/53/2000 (C-1), dated 24-7-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal.

“Whether the demand of the union to regularise S/Sri Ashok Mitra, Gariwan Paswan, Satyendra Yadav, Brihaspat Ram, Chandradeo Mahato, Nikhil Kumar Roy, Mansur Ahmed, Baldeo Pandit and Krishnadeo Paswan, in the respective categories of time rated job, performed by them is proper and justified? If so, to what relief are the workmen entitled and from what date?”

2. This reference case was received in this Tribunal on 7-8-2000. Thereafter, notices were sent to the parties to file Written statement by the sponsoring union/workman. In spite of notices sent by speed post no written statement has been filed by the workman till 20-7-09. It, therefore, appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

In such circumstances, I render No Dispute Award. In this reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का. आ. 47.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 249/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-09 को प्राप्त हुआ था।

[सं. एल-20012/251/2001-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S. O. 47.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 249/2001) of the Central Government Industrial Tribunal/Labour Court No.-1, Dhanbad now as shown in the annexure in Industrial Dispute between the employers in

relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 4-12-09.

[No. L-20012/251/2001-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), AT DHANBAD.

Present : Shri H. M. Singh, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947.

Reference No. 249 of 2001

Parties : Employers in relation to the management of Godhur Colliery of M/s. BCCL and their workman.

APPEARANCES

On behalf of the workman : Mr. B.N. Singh, Advocate.

On behalf of the employers : Mr. S.N. Ghosh, Advocate.

State : Jharkhand : Industry : Coal

Dated, Dhandbad, the 17th November, 2009

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/251/2001 dated 23-11-2001.

SCHEDULE

“Whether the action of the management of BCCL in transferring Sri Muslim Ansari from the job of U.G. Munshi to surface duty and thereby denying the U.G. Allowance is fair and justified? If not, to what relief is the workman concerned entitled?”

2. In the Written Statement filed by the workman it has been stated that the concerned workman was originally employed at Industry Colliery 1-1-1962 as Underground Munshi, and he is governed by the Certified Standing Order of the Company & NCWAs. According to the terms and conditions stipulated in the letter of appointment the concerned workman was confirmed as Underground Munshi and the said designation is also mentioned in his Identity Card issued to him by the management. In course of employment the concerned workman was transferred as an underground Munshi from Industry Colliery to Godhur Colliery with his existing pay and other service conditions vide Office Order No. Area-6/P-4/Transfer/0.0/95/3552 dated 15-11-1995 issued by the Personnel Manager, Kusunda Area, BCCL. Ltd., Even after his transfer and posting at

Godhur Colliery the designation of the concerned workman as Underground Munshi was not changed and he used to be deployed continuously as an Underground Munshi until 16-3-98.

3. It has been further stated by the workman that the employer through office order dated 17-/18-3-98 unilaterally changed the designation of the workman as Sand Munshi with the intention to stop his U.G. allowance without due notice under Section 9-A of the I.D. Act., 1947 and posted him on surface to supervise and maintain the accounts of said transactions. The management of Godhur Colliery mala-fidely violated the terms and conditions of his service by changing his designation to be Sand Munshi in contravention of the stipulated condition made in the order of his transfer regarding protection of existing pay and prevailing service conditions at the time of transfer depriving him of underground job and by posting him on surface duty with new designation such as Sand Munshi. The workman has further stated that the fourth schedule as per stipulation under Section 9-A of the I.D. Act., 1947 inter-alia include 'Wages', 'Compensatory and other allowances', 'withdrawal of customary privilege or 'change in usage'.

4. It has been further stated by the workman that the designation of the workman as U.G. Munshi constituted a customary privilege of getting deployed as underground Munshi and of getting payment of U.G. allowance.

In terms of his nature of job—the payment of underground allowance constituted a privilege and at the same time it also formed a part of his wages. The workman side has stated regarding contents of clause 23.1 of the Certified Standing Orders of BCC. Ltd. in para-14 of his W.S. and para 15 of the W.S. speaks comparison of nature of job as U.G. Munshi and Sand Munshi. It has been stated by the workman that the illegal, unfair and unjustified change in the service conditions by the employer has been detrimental to the interest of the workman due to loss of wages and of other benefits as dependent on computation of the total amount of wages.

5. As per his W.S. statement another underground Munshi namely Sri Shrawan Kumar, who had been also transferred from Industry Colliery to Godhur Colliery along with this workman under the same office order and who had been also deputed on the same surface duty along with the concerned workman under the same order vide Annexure-II, but the employer discriminately paid him U.G. Allowance from 18-3-98 onwards while posted on the same job. In regarding to his case, the employer fully complied with the terms of transfer as stipulated in the order of transfer in protecting the existing wages/pay and service conditions as prevailing and availed of by the transferred workman prior to transfer. But the concerned workman was not paid underground allowance. In this regard the concerned workman made representation to the

management but the management did not pay any heed to such representation of the workman.

6. It has been stated by the workman side that para-4.4.0 of the National Coal Wage Agreement V provided that the underground allowance shall be treated as Wages as higher to and will be taken into account for the following purposes :—

- (a) Calculation of Earned Leave/Annual leave wages.
- (b) Payment for national/festival holidays.
- (c) Sick leave/casual leave with wages.
- (d) Overtime Allowance.
- (e) Gratuity and post Retirement benefit Scheme. & Contribution to the CMPF and other C.P. Fund.

7. Workman has stated that the cause of action arose on 18-3-98 when the workman was deployed as a Sand Munshi for surface duty and on 21-4-98 when the workman came to know that he was not going to be paid the U.G. Allowance w.e.f. 18-3-98 while his colleague Shri Shrawan Kumar, U.G. Munshi was billed and paid U.G. Allowance for working similar job at the same site of work on surface in pursuance of the same posting order.

As the management did not pay any heed to the representation of the workman the Union of the workman raised an industrial dispute before the A.I.C (C) Dhanbad which ultimately resulted reference to this Tribunal for adjudication. Under the above facts and circumstances the workman side has prayed to pass an Award for grant of following reliefs :—

- (a) A decree for payment of compensation for loss of wages equivalent to the prevailing rate of underground allowance for the entire period from 18-3-98 to the date of superannuation on 1-7-1999 which was payable at the rate of 20% of the basic pay minus Rs. 600 per month, or Rs. 23.076 per day on pro-rata basis in terms of the provisions of para 4.2.0 of the N.C.W.A.-V
- (b) A decree for payment of compensation for partial loss of the amount of gratuity which was computed by the employer on the basis of the rate of wages last drawn by the workman which (wages) were without underground allowance.
- (c) Payment of interest on the amount of compensation to the loss of wages per month accruing on pro-rata basis right from 18-3-98.
- (d) Payment of interest from 1-8-99 on compensation for the partial loss in the amount of gratuity which had been due for payment on the date of superannuation—as payable within 30 days after retirement i.e. Before 1-8-99.
- (e) The payment of cost of expenses incurred on the remedial measures in the process of industrial dispute under I.D. Act., 1947.

8. In the Written Statement filed by the management it has been stated therein that the present reference is neither maintainable in law nor in facts. The Hon'ble Ministry had failed to appreciate the fact that there exists no employer-employee relation in between the Management and the concerned workman in view of the superannuation from his service and also in view of all the service benefits being with drawn by the concerning employee should not have referred the present dispute before this Tribunal for adjudication.

9. It has been stated by the management that the concerned workman was initially appointed in Industry Colliery on 1-1-1962 under the erstwhile colliery owner and as such he is a taken over employee of BCCL and after a long period of service he was superannuated from his service with effect from 1-7-1999. It has been admitted by the management that the concerned workman was working as Under Ground Munshi in Industry Colliery and in the year 1995 the concerned workman along with other 44 employees were transferred to Godhur Colliery vide Order dated 20-11-95 where he was also deputed as under ground Munshi. However, due to exigencies of work and to meet the urgent requirement the concerned workman was transferred from underground Munshi to Sand Munshi on the surface vide Order dated 17-3-1998 along with one Shrawan Kumar. Since then till his superannuation on 1-7-1999 the concerned workman continued working as Sand Munshi on the surface.

10. The management have stated that the service condition of the concerned workman was kept intact and the nature of job was also similar to that of underground Munshi. It has been submitted by the management that underground allowance is a special allowance paid to those workmen while working under the mines and as such any workman, who subsequently is deputed on the surface for the exigencies of work cannot claim the underground allowance.

11. It has been admitted by the management that beyond doubt the concerned employee worked on the surface from March, 1998 to till his superannuation on 1-7-1999 and during these period he did not withdraw underground allowance as it was not payable to him in view of his working on the surface. It has been stated that the concerned workman had withdrawn all the service benefits of the company and therefore there is no employer-employee relationship in between the concerned workman and the management. Consequently any claim made by the concerned workman at this stage is not maintainable.

12. As per para 11 of the Written Statement of the management it appears that the concerned workman had filed a gratuity case before the ALC (C) Dhanbad-V which was rejected vide Order dated 6-7-2000 to the extent that the underground allowance is not legally payable to him. Thereafter the concerned workman preferred an appeal

before the Appellate Authority who upheld the order of the Controlling Authority. It has been alleged that the present industrial dispute was raised misleading the ALC (C) concealing the order of the Appellate Authority. In view of the above submissions management have prayed to pass an Award rejecting the claim of the concerned workman.

13. Both the parties have filed their respective rejoinder admitting and denying the contents of some of the paras of each other's Written Statement.

14. The concerned workman has produced himself as WW-1 who has proved document marked as Ext. M-1. management have produced B.P. Singh who has been examined as MW-1.

15. Main argument advanced on behalf of the concerned workman is that he was posted and appointed as Underground Munshi as per Annexure-I but he was transferred from Underground Munshi to Sand Munshi though Identity Card and appointment letter were issued to the concerned workman as underground Munshi and he was paid underground allowance. He was transferred from 17-3-98 till his superannuation as Sand Munshi and he was not given underground allowance and this action of the management is illegal and unjustified. Non-payment of underground allowance also affected the gratuity. As per Annexure-I which is management's paper, it shows that he was appointed as underground Munshi and vide Annexure-II he was ordered to work as Sand Munshi from 17-3-98 though he has made a number of representations as per Annexure-III and IV for getting underground allowance but nothing was done by the management. As per clause 23.1 of the Certified Standing Order of the company regarding transfer provides that the pay grade and other conditions of service including continuity of service of the employees will not be adversely affected on such transfer and the job should be of similar nature and except in case of emergency minimum notice of two weeks be given. As per clause 4.2.0 of the Certified Standing Order the underground allowance shall be payable from 1-7-1993 at the rate of 20% of (revised basic pay minus Rs. 600 per month or Rs. 23,076 per day) on pro-rata basis. This underground allowance is wages as per clause 4.4.0 of the Certified Standing Order of the management. Another argument advanced on behalf of the workman is that no notice of change under Section 9A of the I.D. Act has been given but for such transfer notice should be given under Section 9A of the I.D. Act, 1947. In this respect in 4th Schedule under Section 9A of the I.D. Act, 1947 provides regarding change of wages notice must be given but the management had not given any notice. MW-1 in cross-examination at page 2 has stated "I do not know if any notice U/s. 9A of the I.D. Act, 1947 was issued to the concerned workman." Management has issued I.D. Card marked as Annexure-IX to the concerned workman showing him as underground Munshi. Main argument

advanced on behalf of the management is that the concerned workman is not entitled to get Underground allowance because no work in the underground mines has been taken from him. But this does not seem to be proper as there is no force in the argument because wages cannot be reduced by transfer from underground Munshi to Sand Munshi and only management could transfer in case of closure of underground mine but it cannot reduce wages without giving notice to the concerned workman under Section 9A of the I.D. Act, 1947. In the L.C. Case No. 14/90 which has been filed on behalf of the management shows that such allowance has not been given. But we do not agree with this order passed on 10-1-97 because there is no record before me to show whether in L.C. case No. 14/90 notice was given and after notice underground allowance was stopped.

In the result, the following Award is rendered :—

“The action of the management of BCCL in transferring Sri Muslim Ansari from the job of U.G. Munshi to surface duty and thereby denying the U.G. allowance is not fair and not justified. Consequently, the concerned workman is entitled to get Underground allowance from 18-3-98 to 1-7-99.”

Management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

H. M. SINGH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का. आ. 48.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-1, धनबाद के पंचाट (संदर्भ संख्या 214/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-09 को प्राप्त हुआ था।

[सं. एल-20012/1/2000-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S. O. 48.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 214/2000) of the Central Government Industrial Tribunal, No. 1, Dhanbad now as shown in the annexure in Industrial/Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 4-12-09.

[No. L-20012/1/2000-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD

Present : Shri H. M. Singh, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 214 of 2000

Parties : Employers in relation to the management of Godhur Colliery of M/s. BCCL and their workman.

APPEARANCES

On behalf of the workman : Mr. N. G. Arun, Organising Secretary,
R. C. M. S. Dhanbad

On behalf of the employers: Mr. R.N. Ganguly, Advocate.

State : Jharkhand : Industry : Coal

Dated, Dhanbad, the 18th November 2009

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/1/2000(C-1), dated 24-7-2000.

SCHEDULE

“Whether the action of the management of Godhur Colliery of M/s. BCCL in not referring Sri Sheo Shanker Nonia to Apex Medical Board for ascertaining his date of birth is justified? If not, to what relief the concerned workman is entitled?”

2. In the Written Statement filed by the union on behalf of the concerned workman it has been stated that the concerned workman Shri Sheo Shankar Nonia had been working as Electrical Helper at Bera Colliery under Bastacolla Area and later on transferred to Godhur Colliery in the year 1990. Since then he had been discharging his duty as Electrical Helper till his illegal and arbitrary superannuation at Godhur Colliery. It has been stated that while he was working at Bera Colliery the “Seva abhilekh” which was issued to him had been protested by him in writing his objection on the body of the same. The union has disclosed the C.M.P.F. No. C/379904 of the concerned workman. They have also stated the I. D. Card No. 233955 of the said workman. It has been stated by the union that the date of birth of the concerned workman is recorded as 15-5-1950 in the School Leaving Certificate granted by the District Education Superintendent and the said date of birth is also recorded in the Form B Register of erstwhile management. Accordingly the present management should

rectify their record. In this respect an affidavit was filed by the concerned workman in the year 1988 wherein he has stated that his date of birth is 15-5-50 which has been wrongly recorded as 10-2-1940.

It has been stated further by the union that when the aggrieved workman had pointed out about his protest shown in Seva Abhilekh and subsequently filing of an affidavit to the management of Bera Colliery then Personnel Officer of Godhur Colliery had written a letter to Personnel Manager (Establishment), Kusunda Area vide its No. Godhur Colliery/Sr. P.O./95/435 dated 23-5-95 stating therein that the date of birth of Shri Seo Shankar Nonia is not available in CMPF record and concerned workman has raised objection in Seva Abhilekh about his date of birth. In that letter Sr. Personnel Officer had also requested to take necessary action. The Union of the workman has referred the contents of Implementation Instruction No. 76 and has further stated that despite his objection/protest and filing of affidavit in this regard the management have failed to discharge their duty as per guideline of J.B. C.C.I. It has been stated by the union that the educational certificate was granted to the concerned workman prior to his entry in service.

As per Union since the management was not acceded to listen the reasonable demand of the union an industrial dispute was raised before the Asstt. Labour Commissioner (C) which ultimately resulted reference to this Tribunal for adjudication.

It has been prayed on behalf of the union to pass an Award directing the employer to send the concerned workman before the Age Determination Committee/Medical Board for determination of age or to rectify the date of birth as recorded in the official records of erstwhile owner and School Leaving Certificate.

3. In the Written Statement filed by the management it has been stated by them that the present reference is not legally maintainable and hopelessly barred by limitation and also that the same is vague and bad in law. According to the management the concerned workman was a permanent employee of Godhur Colliery of BCCL where he came on transfer from Bera Colliery and his date of birth was recorded as 10-2-40 in the Form B Register of Bera Colliery. The same date of birth as stated above was recorded in the Form B Register of Godhur Colliery and the concerned workman has put his signature on Form B Register in token of his acceptance of the entries made therein. Management have stated that service excerpt was issued to the concerned workman in 1987 along with other employees and in the service excerpt his date of birth was recorded as 10-2-40. The concerned workman returned the copy of the aforesaid service excerpt with the remark that his date of birth was 10-2-50 but he did not furnish any proof of document in support of his claim. So no action was taken by the management in this regard. It

has been alleged by the management that the concerned workman or his union did not raise any industrial dispute through the entire tenure of his service inspite of having sufficient opportunity. Ultimately the concerned workman was superannuated from his service from 10-2-2000 on the basis of his date of birth recorded in Form B Register and service Excerpt. It has further been stated by the management that there was no variation in the records of the Company about his date of birth and hence referring the concerned workman to Apex Medical Board was not warranted and necessary under the rules of the Company. Accordingly it has been prayed on behalf of the management to pass an Award rejecting the claim of the concerned workman/union.

4. Both the parties have filed their respective rejoinder admitting and denying the contents of some of the paras of each other's Written Statement.

5. The Union has produced the concerned workman who has been examined as WW-1. He has proved documents marked as Ext. W-1, W-2, W-2/1, W-3 and W-4. Management has produced B.P. Singh who has been examined as MW-1. He has proved documents marked as Exts. M-1 and M-2.

6. Main argument advanced of the union/workman is that his date of birth is 15-5-1950 but in the Form B Register his date of birth has been wrongly recorded as 10-2-1940. Service Excerpt was provided to the concerned workman in 1987 in which he has raised his objection. Ld. Counsel for the management argued that the Form B Register is maintained under Mines Act and the genuineness of the entries made therein cannot be challenged in any way. But I do not find force in the argument of the management because the copy of the Service Excerpt marked as Ext. M-2 on proof by MW-1 shows that in the column date of birth "Indisputed" seal has been affixed and on the reverse page of this document the concerned workman has written his date of birth as 15-5-1950. But inspite of the objection raised by the concerned workman no action has been taken by the management. The concerned workman has also produced School Leaving Certificate which has been marked as Ext. W-2 shows that his date of birth has been mentioned as 15-5-1950 therein. As per Implementation Instruction No. 76 when dispute regarding age has been arisen the concerned workman should be sent to the Apex Medical Board for assessment of his age. In this respect MW-1 in his cross-examination at page-2 stated "I know that in the event of variance or the discrepancy in the mentioning of the date of birth in different records of the management, as per JBCCI instruction, the matter is referred to Apex Medical Board." But the management has not referred the concerned workman for assessment of his age to the Apex Medical Board. It shows the mala fide intention of the

management. Accordingly, the following Award is rendered:—

“The action of the management of Godhur Colliery of M/s. BCCL in not referred Sri Sheo Shankar Nonia to Apex Medical Board for ascertaining his date of birth is not justified. Consequently the concerned workman is entitled to be referred to the Apex Medical Board for ascertaining his date of birth and the decision of the Apex Medical Board will be final.”

Management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

H.M. SINGH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का. आ. 49.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी. एल. के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1 धनबाद के पंचाट (संदर्भ संख्या 73/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-09 को प्राप्त हुआ था।

[सं. एल-20012/582/2000-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S.O. 49.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 73/2001) of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 4-12-09.

[No. L-20012/582/2000-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD.

In the matter of a reference under Section 10(1) (d) & (2A) of Industrial Disputes Act, 1947

Reference No. 73 of 2001

Parties : Employers in relation to the management of Angarpathra Colliery of M/s. BCCL

AND

Their Workman

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES

For the Employers : Sri H.Nath, Adv.

For the Workmen : None

State : Jharkhand Industry : Coal

Dated 11-11-09

AWARD

By Order No. L-20012/582/2000 (C-1), dated. 16-3-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause(d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal.

“Whether the action of the management of Angarpathra Colliery of M/s. BCCL in dismissing Sri Upendra Rai from the services of the company w.e.f. 20-7-98, is justified? If not, to what relief is the concerned workman entitled?”

2. This reference case was received in this Tribunal on 3-4-2001. Thereafter, notices were sent to the parties to file written statement by the sponsoring union/workman. In spite of notices sent by speed post and last chance was given to the workman, no written Statement has been filed by the workman till 1-7-09. It, therefore, appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

In such, circumstances, I render No dispute Award in this reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का. आ. 50.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी. एल. के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1 धनबाद के पंचाट (संदर्भ संख्या 110/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-09 को प्राप्त हुआ था।

[सं. एल-20012/485/98 आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S.O. 50.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 110/1999)

of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 4-12-09.

[No. L-20012/485/98-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD.

In the matter of a reference U/s. 10(1)(d) (2A) of I. D. Act.

Reference No. 110 of 1999

Parties: Employers in relation to the management of
Loyabad Colliery of M/s. BCCL.

AND

Their Workmen

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES

For the Employers : None

For the Workman : Shri N.G. Arun, Representative.

State : Jharkhand Industry Coal.

Dated, the 9th November, 2009

AWARD

By Order No. L-20012/485/98-IR (C-I) dated 4-6-99 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Loyabad Colliery of M/s. BCCL in not correcting (1) date of birth as 1-9-1954 and (2) Name and Surname as Md. Siddique Ahmad @ Sadik is justified ? If not, to what relief the concerned workman is entitled?”

2. The reference was received in this Tribunal on 15-6-99. In spite of sending notice to the parties by speed post, neither the sponsoring union nor the concerned workman has filed written statement. It, therefore, appears that neither the sponsoring union nor the concerned workman is interested to contest the case.

3. In such circumstances, I render a 'No Dispute' Award in the present reference case.

H. M. SINGH, Presiding Officer
नई दिल्ली, 4 दिसम्बर, 2009

का. आ. 51.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स टिस्को के प्रबंधन के संबद्ध नियोजकों और उनके कामकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या

28/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-09 को प्राप्त हुआ था।

[सं. एल-20012/263/2003-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S.O. 51.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 28/2004) of the Central Government Industrial Tribunal, Labour Court No-1, Dhanbad now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. Tisco and their workman, which was received by the Central Government on 4-12-09.

[No. L-20012/263/2003-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), AT DHANBAD.

Present : Shri H. M. Singh, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

Reference No. 28 of 2004

Parties : Employers in relation to the management of
Jamadoba Colliery of Tisco and their workman.

APPEARANCES

On behalf of the workman : Mr. P.R. Rakshit, Advocate

On behalf of the employers: Mr. D.K. Verma, Advocate.

State : Jharkhand : Industry : Coal

Dated, Dhanbad, the 19th Nov., 2009

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/263/2003-IR (C-I), dated, the 26th March, 2004.

SCHEDULE

“KYA MESSERS. TISCO JAMADOBA COLLIERY KEY PRAVANDHTANTRA DWARA KARMKAR SHRI VAKIL PASWAN KO DINANK 4-12-2000 SEY SEVA SEY BARKHAST KIYYA JANA VIDHIBAT, NAYASANGAT EVAM UCHIT HAIN ? YADI NAHI TO KARMKAR KIS RAHAT KEY PATRA HAIN?”

2. The case of the workman as disclosed in the Written Statement is that the concerned workman was working as a Miner bearing personal No. 217510 at Jamadoba Colliery and was appointed on 9-4-1987 and

continued in service till 3-12-2000 and was dismissed from service on 4-12-2000. Present dispute has been referred under Section -2A of the I.D.Act, 1947.

3. It has been stated in the Written Statement that the concerned workman was issued with a charge-sheet bearing No. 219/2000 dated 31-10-2000 with the following allegations :—

“ It has been reported that at 8.30 A.M. on 30-10-2000 at 2 Pit too and at 9-30 A.M. on 31-10-2000 at 3 Pit Top though you were in B Shift duty from 5-00 P.M. to 1.00 A.M. and again at 9.30 P.M. in B Shift duty on 30-10-2000 in underground in your shift at Dungri North Section you were found instigation your co-worker (Miners) as follows :—

KOI MINER JORA GARI SE ADHIK NAHI BHAREGA, AUR DEKHTE HAI YE LOG KAISE PRODUCTION DRIVE MANATE HAIN”.

On receipt of the chargesheet the concerned workman Sri Paswan wrote a letter to the Manager dated 2-11-2000 stating therein that as the charges are vague, he demanded a copy of the original complaint on the ground of which he was chargesheeted and also name of the witnesses. These documents were required for submitting explanation of the chargesheet. Thereafter he wrote several letters and made also verbal request but instead of supplying the called for documents management held ex-parte enquiry and dismissed him from service with effect from 4-12-2000.

4. It has been alleged by the concerned workman that with bad motive false charges were fabricated and no enquiry was held in accordance with the Principle of Natural Justice. It has been further alleged on behalf of the concerned workman that his dismissal is not based on any evidence much less on legal evidence and the dismissal is deserved to be set aside as the management without any justifiable cause suspended Sri Paswan simultaneously with the service of chargesheet and thereafter arbitrarily dismissed him from service illegally and wrongfully. Accordingly, prayer has been made by the workman side to pass an Award directing the management to reinstate the concerned workman with full back wages and all consequential monetary benefits.

5. In the Written Statement filed by the management it has been stated by them that the present reference is not maintainable either in law or in fact. The concerned workman was a permanent employee of Jamadoba Colliery working as a Miner and he was dismissed w.e.f. 4-12-2000 for committing a proved act of misconduct. The misconduct committed by him for which he was dismissed is enumerated below :—

“It has been reported that at 8.30 A.M. on 30-10-2000 at 2 Pit Top and at 9.30 A.M. on 31-10-2000 at 3 Pit Top, though you were in 'B' shift duty from 5 P.M. to

1 P.M. and again at 9.30 P.M. in 'B' shift duty on 30-10-2000 in underground in your shift at Dungri North Section, you were found instigating your co-workers (Miners) as follows :—

koi MINER JORA GARI SE ADHIK NAHI BHAREGA, AUR DEKHTE HAI YE LOG KAISE PRODUCTION DRIVE MANATE HAIN.”

Accordingly since the above act of the workman concerned amounted to misconduct of causing damage to company's work in progress and causing loss of production the concerned workman was issued with a chargesheet bearing No. 219/2000 dated 31-10-2000.

6. It has been stated by the management that the concerned workman did not submit his explanation to the chargesheet issued to him and therefore a domestic enquiry was conducted to enquire into the charges levelled against him.

7. It has been alleged by the management that the concerned workman did not appear in the enquiry inspite of giving ample opportunity by the Enquiry Officer and the refore the Enquiry Officer had no alternative but to proceed with the enquiry ex-parte. After conducting the enquiry the Enquiry Officer submitted his report to the Disciplinary Authority holding the concerned workman guilty of the charges, and the Disciplinary Authority carefully examined the enquiry proceeding and enquiry report, concurred with the findings of the Enquiry Officer and supplied copy of the enquiry report to the workman concerned and allowed him to make representation, if any.

8. Thereafter the concerned workman submitted his representation which was examined by the Disciplinary Authority and the Disciplinary Authority in course of examination did not find any merit of the said representation and ultimately passed the order of the dismissal.

9. It has been stated by the management that the dismissal of the concerned workman is legal and justified and the enquiry conducted by the Enquiry Officer is fair, proper and in accordance with the principles of natural justice.

10. In the Written Statement management have prayed to decide the fairness of domestic enquiry in a preliminary hearing and in case if it is held on 20-8-08 that the enquiry is not fair and proper, management may be allowed to adduce evidence a fresh to prove the charge.

11. Both the parties have filed their respective rejoinders.

12. In the rejoinder filed by the workman to the Written statement of the management it has been stated by the workman that the statement made in para-1 are related to the Govt. notification including the text of the schedule and the workman does not have to comment

save and except it is submitted that the reference of the dispute have been made after proper application of mind by the appropriate Govt. and it is fit to be answered in favour of the workman concerned. With regard to para-2 of the W.S. of the management it has been stated by the workman that the averments made in the form of objection is only pedantic and it has been denied being neither the position of law or in fact.

13. The contents of para-3 of the W.S. of the management have been admitted by the workman in the rejoinder. So far para 4 of the Written Statement of the management is concerned the same has been denied by the workman and in respect of para-5 of the Written Statement of the management the workman has stated that the allegations are not true and correct and have denied the same. With regard to para-6 of the Written Statement of the management the workman has denied the contents. In respect of para-7 of the Written Statement of the management the workman has stated that the statements made are an attempt to put the cart before the horse in so far as the workman was not supplied with the documents/report upon which the charges are based. So far contents of para-8 of the Written Statement of the management are concerned the workman has stated that the averments made are not true and correct.

14. The contents of Para-9 of the Written statement of the management have been denied by the workman. In respect of the contents of Para-10 and 11 of the Written Statement of the management the workman has stated that the averments are not true and correct accordingly the same has been denied. With regard to para-12 of the W.S. of the management the workman has stated that the action of the management is malafide, victimising having flavours of arbitrariness and the order of dismissal is disproportionate. In respect of the contents of para-13 of the Written Statement the workman has stated that the so-called enquiry is not fair and proper and the concerned workman has prayed for a decision in this matter holding that such an enquiry is an example of unfair labour practice and cannot be relied upon being done to perfunctory manner. With regard to para-14 of the Written Statement of the management the workman has stated that the statement made in the position in law the workman is also of the opinion as has been submitted in earlier paragraphs. The workman has prayed following reliefs :—

- (i) That the domestic enquiry held ex parte is unfair, improper and unjust.
- (ii) That the concerned workman has been seriously prejudiced for non-supply of document and non-furnishing of report of domestic enquiry which has serious prejudiced him.

- (iii) That the order of dismissal is not in accordance with law and is too harsh.
- (iv) The workman is entitled to reinstatements with payment of full back wages and all other consequential benefits.

15. Management has also filed its rejoinder to the Written Statement of the workman. In the rejoinder management have stated that the statements made in paras 1, 2 and 3 of the Written Statement of the workman are matter of record, and same is the position of para-4 of the Written Statement of the workman. The management have stated that the contents of para-5, 6 and 7 of the Written Statement of the workman is not correct. They have stated that the dismissal of the concerned workman is legal and justified and the concerned workman is not entitled to get any relief.

16. Management have produced MW-1 Subrata Das on preliminary point and he has proved documents marked as Ext.M-1, M-2, M-3, M-3/1, M-3/2, M-3/3, M-4, M-5, M-6, to M-11. No oral evidence has been adduced on behalf of the workman on the said point. Thereafter both sides were heard and after hearing this Tribunal passed order vide Order dated 28-8-2008 holding that the domestic enquiry conducted against the concerned workman was not fair, proper and in accordance with the principle of natural justice, and management was directed to lead evidence on merit of the case.

17. On merit of the case the management have produced MW-2A. K. Ambasta, MW-3 Shyam Kishor Prasad, MW-4 Dilip Kumar Sinha. In rebuttal the workman has produced the concerned workman as WW-1 who has proved documents marked as Ext. W-1, W-2, and W-3 thereafter the case was heard on merit.

18. Main argument advanced on behalf of the concerned workman is that the enquiry was not fair and proper and the management have dismissed him without giving him any opportunity. It has also been argued that there is no rule in the Standing Order relating to the raising of production which may constitute misconduct.

19. In this respect the management counsel argued that due to the act of the concerned workman production was lowered down and the concerned workman instigated other workers not to work and to work slowly. It has also been argued on behalf of the workman that he had lodged F.I.R. against the management official. So due to ill motive chargesheet has been issued against him and subsequently he was dismissed. The management representative argued that he has lodged false FIR against Shri S. Das Manager of the Colliery under Section 323, 503 and 504 I.P.C. and in this respect Shri Das moved before the Hon'ble High Court of Jharkhand where his petition

was dismissed and against that he moved before the Hon'ble Supreme Court where he got relief and the case was stayed by the Hon'ble Supreme Court. Management has produced Mr. D.K. Sinha who has stated that production of coal was reduced on 30-10-2000 and 31-10-2000 as per Ext. M-14. In this respect the workman side argued that he has stated in cross-examination "I cannot say whether there was any production loss". When there is documentary evidence Ext. M-14 which was prepared in course of business that cannot be belied which shows that production was reduced on 30-10-2000 and 31-10-2000 due to the act of the concerned workman where he instigated other workmen not to do work so that production drive of the management may be fused. MW-3 Shyam Kishor Prasad also stated that he was at that time working as Senior Overman and stated further that the concerned workman instigated other workers not to go for production drive and so production was affected. As per Ext. M-14 production was higher in the month of September and November 2000 in comparison to the month of October, 2000. Moreover, on the dates 30-10-2000 and 31-10-2000 it was lowered down which comes to 174 on 30-10-2000 and 180 on 31-10-2000. It appears from the record that second show cause notice was also given to the concerned workman WW-1, the concerned workman in his cross-examination at page-3 has stated "I have received the chargesheet and gave its reply and I have not attended the enquiry because I was on leave. But I have not stated this fact before the Enquiry Officer." He had again received the second show cause notice and gave its reply which he stated in his cross-examination at page-3. It therefore, shows that management had given full opportunity to the concerned workman to defend his case and after enquiry it was found that the charges have been proved against the concerned workman as per Company's Standing Order marked as Ext. M-10 page-5, clause-9 "Causing damage to work in progress or to property of the Company" which constitute misconduct indicated in the Standing Order. It therefore appears in view of the facts and circumstances that the charges against the concerned workman have been proved.

20. Counsel for the workman has referred to a decision reported in 1985 Supreme Court Cases (L & S) 131 in which Hon'ble Supreme Court laid down the following:—

"Labour and Services- Industrial Disputes Act, 1947- Section II-A Domestic enquiry, on which dismissal order based, perverse and vitiated by non-application of mind-Labour Court, tribunal or arbitrator under Section II-A and Supreme Court under Article 136 would set aside dismissal order based on such enquiry and give consequential relief

of reinstatement with full back wages in appropriate cases-Dismissal-Reinstatement."

In the present case the domestic enquiry does not seem to be perverse. The concerned workman also referred another decision reported in 1989 PLJR page 641 in which Hon'ble Jharkhand High Court held the following :

"Departmental Proceeding -letter of appointment signed by the personnel officer for the company -In such cases it is the company which has to be as appointing authority and not the personnel officer or any other officer unless there is any specific delegation by the company to this effect-accordingly, imposition of any punishment after departmental enquiry by any officer is not valid-in such cases the order of punishment should have been passed by the Board of Directors (Paras 5 and 6)"

In the present case chargesheet has been issued by the competent person and dismissal order has been issued also by competent person. Another argument advanced on behalf of the concerned workman is that no independent witness has been produced. There is no need to production of independent witness on such act of the concerned workman when management has produced witnesses who used to supervise his work and stated that due to the act of the concerned workman production loss has occurred by his action and instigation to other workers. Another argument advanced on behalf of the concerned workman is that he was not given reasonable time to reply but the concerned workman has given reply even on second show cause notice. Had he thought that he requires time then he could have given written application demanding time. But he has not done so. Another argument advanced on behalf of the concerned workman is that Mr. S. Das has not been examined by the management who has issued chargesheet. There is no need to examine Mr. S. Das who has issued chargesheet to the concerned workman because enquiry proceeding was conducted independently. Such workmen who lodge FIR against their superior cannot be allowed to retain in the service of the management because it would not only hamper the production but it would also create indisciplined atmosphere in the place of production. In the result, the following Award is rendered :—

"Messrs. Tisco. Jamadoba Colliery key pravandhtantra Dwara Karmkar Shri Wakil Paswan Ko Dinank 4-12-2000 sey seva sey Barkhast Kiyya Jana Vidhibat, Nayasangat evem uuchit hain. Atta Karmkar Kissi Rahat key patra nahi hain."

H. M. SINGH, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 2009

का.आ. 52.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स टिस्को के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-I धनबाद के पंचाट (संदर्भ संख्या 110/1989) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-09 को प्राप्त हुआ था।

[सं. एल-20012/8/1989-आई. आर. (सी.-I)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 4th December, 2009

S.O. 52.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 110/1989) of the Central Government Industrial Tribunal/Labour Court No. I, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Tisco and their workman, which was received by the Central Government on 4-12-2009.

[No. L-20012/8/1989-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference u/s. 10(1) (d) (2A) of I.D. Act

Reference No. 110 of 1989

Parties : Employers in relation to the management of
M/s. Tata Iron & Steel Co. Ltd., Jamadoba.

Vs.

Their Workmen

Present : Shri H. M. Singh, Presiding Officer.

APPEARANCES

For the Employers : Shri D. K. Verma,
Advocate

For the Workmen : Shri N. G. Arun,
Authorised
Representative.

State : Jharkhand. Industry : Coal

Dated, the 5th November, 2009

AWARD

By Order No. L-20012/8/89-I.R. (Coal-I) dated 15-9-1989 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of

sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the Rashtriya Colliery Mazdoor Sangh (INTUC) that Shri S.K. Bhattacharjee should be superannuated only on the basis of age given in his School Leaving Certificate is justified? If so, to what relief the workman is entitled to?”

2. The case of concerned workman, Shri S.K. Bhattacharjee, is that he is a permanent employee under M/s. TISCO working in the capacity of Compounder at present at Bhalatand Hospital or Sijua Colliery. He also requested the management that his age should be corrected on the basis of his age given in the school leaving certificate. The employer did not listen to his request and decided to refer him to the Medical Board at Central Hospital, Jamadoba on 26-8-87. The concerned workman appeared before the said Medical Board who wanted to see his Identity Card. When he produced his identity card the members made some perfunctory of his eye sight and then asked him to gate-out. The said Medical Board constituted with doctors of the company did not examined him as per medical jurisprudence for determination of his age. The action of the management in this regard was unjustified. It is the fact that the concerned workman did not know his date of birth. Whatever he declared in this regard is nothing but hearsay and, accordingly, it has been suggested in law that the declaration of age/date of birth by the workman will be accepted as a last resort and that to when accompanied by an affidavit. It has been provided in law that the matriculation certificate or school leaving certificate granted by the Board of Secondary Education or similar Education Authority are to be treated as authentic proof of age. The concerned workman was a student of Ashutosh Memorial Institution, P. O. Ketugram, Dist. Burdwan,, a recognised Institute of Calcutta University/ West Bengal Board of Higher Secondary Education. The date of birth of the concerned workman is recorded at the school as on 21-12-1935 as per their Admission Register. The action of the management in denying to accept the date of birth of the concerned workman in his school Leaving Certificate is not justified and hence Shri S. K. Bhattacharjee should be superannuated on the basis of his date of birth recorded in his School Leaving Certificate.

It has been prayed that the Hon'ble Tribunal may be graciously pleased to pass an award directing the employer to accept the age of S.K. Bhattacharjee as mentioned in his School Leaving Certificate.

3. The case of the management is that the concerned workman was appointed on 15-1-1957 and he declared his date of birth as 12-1-1930. His declaration was accepted in the year 1957 at the time of his appointment and the same was entered in the service record and other documents.

Once the workman declares his date of birth and the same is accepted by the management and recorded in the service record and other documents, the same becomes conclusive evidence for the purpose of determination of the date of superannuation. No workman has any right to challenge the correctness of his date of birth so recorded in future at about the time of his superannuation. In the year 1959 individual identity cards were issued to all employees which contained amongst other identification particulars, the date of birth also. The concerned workman was given an identity card which contained his date of birth as 12-1-30. In the year 1977, the sponsoring union, Rashtriya Colliery Mazdoor Sangh made a representation for formation of an Age Correction Committee consisting of representatives of management and the union, to look into grievances of workmen with regard to demands for correction of their age. The matter was finalised in a Joint Discussion and an Age Correction Committee was formed consisting of management's and union's representatives. The union representatives as well as the management gave wide publication by displaying notices in the Notice Board and private contacts, inviting applications from workmen intending to get their age recorded in the Registers of the management, to be corrected. The concerned workman did not submit any application for getting his age. The concerned workman represented for correction of his date of birth for the first time by his letter dated 14-4-1984. The management informed the concerned workman by letter dated 11/14-6-84 expressing regret to correct the date of birth entered in the company's records. The sponsoring union took up the case before A.L.C. (C), Dhanbad which ended in failure. Thereafter the dispute has been referred to this Tribunal for adjudication. On the request of the President of R.C.M.S. the concerned workman was sent to Medical Board for assessment of his age by the management vide letter dated 21-8-87. The Medical Board examined the concerned workman on 26-8-87 and assessed the age as 57 years on that date. Thus his date of birth fell Date of birth recorded in service record is 12-1-30, around 26-8-1930. Since the date of birth as recorded and the date of birth assessed by the Medical Board revealed a difference of less than one year as per procedure applicable in such cases the date of birth as recorded was retained. The concerned workman enclosed a photostat copy of a purported certificate of the Head Master of Ketugram Sir Ashutosh Memorial Institution, Burdwan. On perusal of the photostat copy, it appears that there is no reference number and official date of issue of the certificate. The signature was purported to have been made on 28-2-80 which was subsequently over-written as 28-7-80 and another marking bearing 28-7-80 has been put at joining to the purported signature. It is, therefore, certain that the person signing the certificate is highly interested person to help the concerned workman even by manipulating documents. As per prevalent practice and procedure, a workman is required to submit or show proof of his date of

birth at the time of his employment. If he was having a School Leaving Certificate, he must have shown the same at the time of recording his date of birth in the service record and the same document must have indicated his date of birth as 12-1-1930.

It has been submitted that the demand of the union to superannuate the concerned workman only on the basis of date of birth contained in the purported School Leaving Certificate discarding the service record, identity card, bonus card, Medical Board's report etc. is obviously unreasonable and cannot be accepted. The demand is illegal, unreasonable and unjustified and, accordingly, he is not entitled to any relief.

In rejoinder to the written statement of the workman, the management has denied the contents as alleged in the written statement of the workman.

4. The workman has filed rejoinder stating the same facts as have been stated in its written statement.

5. The concerned workman has produced WW-1-Kashi Nath Bhattacharjee and WW-2, the concerned workman himself and has proved documents as Exts. W-1 to W-4.

The management has produced MW-1-Dinesh Kumar Sharma, who has proved Exts. M-1 to M-4.

6. Main argument advanced on behalf of the concerned workman is that his date of birth is 21-12-35 which was recorded in his School Board Examination. He joined the service on 15-1-1957, but his date of birth has been recorded by the management as 12-1-30. It has also been argued that his elder brother WW-1 was his guardian and his age is about 10-12 years older than the concerned workman.

The management's representative argued that the school leaving certificate has been fabricated because no mark-sheet has been filed that the concerned workman passed in examination. Ext. W-1 shows that it has been issued on 7-12-89 and the concerned workman has got employment on 15-1-57. It only shows that the certificate has been obtained by the concerned workman later on. Moreover, Ext. W-1 does not show what examination he has passed and moreover, who has issued this School Leaving Certificate has not been examined. His age has been recorded as per Ext. W-3 issued by Medical Board as 57 years on 21-8-87. It only shows that the concerned workman also examined by the Medical Board and his age has been assessed and in company's record his age has been mentioned as 12-1-30. No document has been filed which may show that his date of birth is 21-12-35. As per Ext. M-2 his date of birth is recorded as 12-1-30 which is statutory document maintained by the management. Moreover, the concerned workman has been posted as Compounder-cum-Clerk on 15-1-57 who was educated. He

must have filed certificate but he has not filed any certificate which has been filed by him Ext. W-1 is a manufactured document which cannot be in any way be believed that it is genuine document.

The workman has argued that Medical Board has not given reason for assessment of age as 57 years on 21-8-87. But this does not prove to be true. The age has been assessed by the Medical Board by the Doctor on his own basis. It has also been argued on behalf of the management that regarding literate person the certificate of education which has given date of birth will be accepted, but the concerned workman has not filed any paper when he joined service on 15-1-57 on which basis he was appointed and in what basis he was superannuated. Ext. W-1 school leaving certificate which has been issued on 7-12-89 is manufactured and concocted document which cannot be believed and also who has issued that certificate has not been examined. In view of the discussions made above, it is found that the supersannuation of the concerned workman is legal and justified.

7. Accordingly, I render the following award. The demand of the Rashtriya Colliery Mazdoor Sangh (INTUC) that Shri S. K. Bhattacharjee should be superannuated only on the basis of age given in his school Leaving Certificate is not justified. Hence, the concerned workman is not entitled to get any relief.

H. M. SINGH, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2009

का.आ. 53.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेंट ऑफ पोस्ट आफिस के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 30/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-09 को प्राप्त हुआ था।

[सं. एल-40012/214/2002-आईआर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 7th December, 2009

S.O. 53.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Sr. Supdt. of Post offices and their workmen, which was received by the Central Government on 7-12-2009.

[No. L-40012/214/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

N. K. Purohit, Presiding Officer

I. D. No. 30/2003

Ref. No. L-40012/214/2002-IR (DU) dated 25-2-2003

BETWEEN

Sh. Mithlesh Kumar S/o. Sh. Tel Ram, Vill. Gunarassa PO
Gunarassa, Saharanpur (U. P.)

AND

The Sr. Supdt. of Post Offices Deptt. of Posts
Saharanpur Prakhanda, Saharanpur (U. P.)

AWARD

24-11-2009

1. By Order No. L-40012/214/2002-IR(DU) dated 25-2-2003 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Sh. Mithlesh Kumar S/o. Sh. Tel Ram Vill Gunarassa, Saharanpur and The Sr. Supdt. of Post Offices, Deptt. of Posts, Saharanpur Prakhanda, Saharanpur for adjudication.

2. The reference under adjudication is as under :

“Whether the Action of the Management of Sr. Supdt. of Post Offices, Saharanpur in Terminating the Services of Sh. Mithlesh Kumar, EDA, Gunarassa w.e.f. 8-4-2002 is legal and just? If not, to what relief the workman is entitled.”?

3. The case of the workman, Mithlesh Kumar, in brief, is that he was initially selected and appointed as an Extra Departmental Delivery Agent at Post Office Gunarassa for performing regular and perennial work w.e.f. 04-01-2000, without any appointment letter, and worked as such till 8-4-2002 on a monthly salary @ Rs. 2483 per month which was subsequently enhanced to Rs. 2553 per month plus D. A. It has been alleged by the workman that the opposite party terminated his services in utter violation of Section 25F ignoring this fact that he worked continuously and completed more than 240 days in each year, without assigning any reason, notice or notice pay in lieu thereof. It has been alleged by the workman that at the directions of the management he sometimes made signatures of Nivendra Kumar though the payment was made to him for entire period of engagement without interruption. It has further been alleged by the workman that management is

endeavouring to take work from fresh hand which is illegal inasmuch as change of his service condition by the management, without any notice, is violation of Section 9A of the I.D. Act. Accordingly, he has prayed that his oral termination be set aside and he be reinstated with consequential benefits including full back wages.

4. Per contra, the opposite party has denied the claim of the workman by filing its written statement; wherein it has submitted that the workman was never selected and appointed as an EDA. In this regard it has been submitted by the management that consequent to retirement of Branch Post Master, Shri Anil Kumar in order to take charge of Branch Post Master, arranged the workman as a substitute to work on the post of EDA under EDDA Service Rule, 1964 on the post left vacant by Shri Anil Kumar. It has further been submitted by the management that since the workman was never been appointed in regular capacity, therefore, there arise no question of giving any appointment letter; likewise on joining of regular incumbent on the post the services of workman was no more required w.e.f. 8-4-2002. It has specifically been denied by the management that the workman was paid monthly salary, instead it has submitted that the workman was paid only allowances (RRCA) for 3 to 5 hours daily working as per Extra Departmental Rules. The management has further submitted that Shri Anil Kumar provided Shri Nivendra Kumar as substitute for the intervening period i.e. 19-2-2001 to 29-2-2001 and 1-12-2001 to 15-12-2001. The management has denied the allegation of the workman regarding violation of any of the provisions of Industrial Disputes Act as he was never appointed or terminated by the management. Accordingly the management has prayed that the claim of the workman be rejected without any relief.

5. The workman has filed its rejoinder whereby he has only reiterated its averments in the statement of claim and has not introduced any new fact.

6. The parties filed documentary evidence in support of their respective cases. The workman examined himself in support of his case whereas the management has examined Shri Mange Ram, Suptd. Post and Shri Anil Kumar, EDDA. Parties submitted their oral arguments in support of their respective stands. The opposite party filed written arguments whereas the workman did not file any.

7. Heard oral argument of authorized representative of workman, perused written argument of the management and scanned entire material on record.

8. The learned representative on behalf of the workman has submitted that workman had continuously worked for more than 240 days in each calendar year and he has been terminated from service in violation of Section 25F. He has further submitted that Chapter VA of I. D. Act is applicable to P&T Department and it overrides orders and instruction given under P&T EDA (Conduct and

Service Rule) 1964 therefore, the workman is entitled for reinstatement with full back wages. In support of his contention he has relied on following case laws;

1. (1991) 15 Administrative Tribunal Cases 531 R. Padmanbhan Nair vs. Supdt. of Post Offices, Alleppey and another.
2. 1995 LLJ 994 MP H.C. Union of India vs. Presiding Officer, CGIT and others.
3. 1978 (2) page 840 Allahabad H.C. Nand Lal vs. Union of India and others.
4. (1987) 4 SCC 99 Krishna District Cooperative Marketing Society Ltd. Vijayawada vs. N. V. Purnachandra Rao and others
5. (1982) 1 SCC 645 L. Robert D'Souza vs. Executive Engineer, Southern Railway and another.

9. Per contra, learned representative on behalf of the management has stated that the workman was working as substitute provided by regular EDDA but was engaged on risk and responsibility of regular EDDA Sh. Anil Kumar. He was never appointed or selected on the post of EDDA hence the question of termination does not arise. Neither any appointment letter was issued nor any termination order was passed. The provision of I. D. Act are not applicable as the service Rule 1964 are applicable in case of EDDA. In support of his contention he has placed reliance on (2000) 9 SCC 416 Union of India and others vs. Debika Guha and others and 1998 SCC (1&S) 447 Union of India vs. Kameshwar Prasad.

10. I have given my thoughtful consideration on the rival submissions made by both the sides.

11. The questions thus arises for consideration are whether the workman had worked continuously as EDA from 4-1-2000 to 8-4-2002 and whether he has been terminated w.e.f. 8-4-2002 in violation of Section 25F of the I.D. Act.

12. In this regard the workman Sh. Mithlesh Kumar has stated that he was appointed on 4-1-2000 as EDA and he was getting Rs. 2553 per month but he has been disengaged w.e.f. 8-4-2002 without any notice or compensation for termination of his services. In support of his evidence the workman has produced attendance register (10/6 to 10/40), Photo copy of the register of VP article received (10/2, 10/3) and copies of representation said to be given by him subsequent to his alleged termination.

13. The workman has submitted attendance register (10/6 to 10/40) for the period 5-1-2000 to 12-6-2001 but he has admitted that the said register was prepared by him. Further the said register is preparing to schedule of pension payment wherein he has signed on different dates and it has never been verified by any officer of the opposite party. The management witness Sh. Anil Kumar has stated that

no such register is being maintained in the Department. It appears that the register has been prepared by the workman to substantiate his claim, thus, on the basis of said register which has been prepared by the workman himself without any requirement of maintaining such register by the department no conclusion can be derived that he had continuously worked during period mentioned therein.

14. The management witness Sh. Anil Kumar has stated that he was appointed as EDA under departmental rules and due to retirement of Sh. Atma Ram, BPM he was ordered to work as BPM till regular appointment, thus, he handed over his charge to Sh. Mithlesh Kumar as his substitute on 4-1-2000 vide charge report (12/1) which bears the signature of the workman. He has further stated that he provided Sh. Mithlesh Kumar as substitute on his own risk to look after the work of EDA. The statement of Sh. Anil Kumar also finds support from the following documents produced by the management;

1. Charge report dt. 4-1-2000 (12/1) handing over charge by Sh. Atma Ram to Sh. Anil Kumar.
2. Charge report dt. 4-1-2000 (12/2) handing over charge by Sh. Anil Kumar to Sh. Mithlesh Kumar.
3. Letter regular EDA, SDI(P) Central Sub Divn. Saharanpur mentioning that charge of EDA given to Sh. Mithlesh Kumar on his responsibility (12/3).
4. Charge report dt. 13-1-2000 handing over charge to Sh. Mithlesh Kumar to Sh. Navendra Kumar (12/4).
5. Charge report dt. 15-12-2001 handing over by Sh. Navendra Kumar to Sh. Mithlesh Kumar on the risk and responsibility of Sh. Mithlesh Kumar regular EDA (12/5).
6. Letter of SDI(P) Central address to officiating BPM, Gunarassa directing to take charge from substitute immediately (12/6).
7. Letter dt. 20-2-2001 regarding payment of allowances to Sh. Navendra Kumar (12/7).

15. The workman has admitted his signature on charge report dt. 4-1-2000 (12/2) according to which he took charge from Sh. Anil Kumar regular EDA on 4-1-2000. The workman himself has admitted in his statement on oath dt. 13-1-2003 that he had worked as substitute of Sh. Anil Kumar. He has also admitted that he had worked during period 4-1-2000 to 18-2-2001, 1-3-2001 to 30-11-2001 and 16-12-2001 to 8-4-2002. Thus his above admissions in his statement corroborate the version of the management that the workman had worked in the postal department from 4-1-2000 to 18-2-2001, 1-3-2001 to 30-11-2001 and 16-12-2001 to 8-4-2002 as substitute of Sh. Anil Kumar.

16. As regards intervening period 19-2-2001 to 29-2-2001 and 1-12-2001 to 15-12-2001 the contention of the workman is that he had worked as EDA during this

period also but he was asked to sign as Sh. Navendra Kumar whereas contention of the management is that during this period Sh. Navendra Kumar had worked as substitute.

17. It is pertinent to mention that the workman has pleaded in para 12 of his statement of claim that he had been paid regularly w.e.f. 4-1-2000 to 8-4-2000 continuously without any actual interruptions. The contents of above para are not denied in the written statement of opposite party. The contention of the management is that the workman was wrongly paid allowances for the period for which he had not worked. The payment was related Sh. Navendra Kumar who is brother of the workman & who had worked as substitute provided by Sh. Anil Kumar EDA. Although on the basis of preponderance of probability it seems more probable that during the intervening period, for which the payments said to be made wrongly to the workman, he had worked as substitute as stated by the workman, he has signed as Sh. Narendra Kumar for the said period. Even if the version of the management of Postal Deptt. that the workman had worked as substitute only during period 4-1-2000 to 18-2-2001, 13-2-2001 to 31-11-2001, 16-12-2001 to 8-4-2002 & during intervening period his brother had worked as substitute is accepted, it is evident from the admitted position that the workman had worked as substitute EDA more than 240 days in calendar year 2001, 2002 and preceding 12 months from the date of alleged disengagement w.e.f. 8-4-2002.

18. The question thus, survives for consideration is whether the alleged disengagement of the workman who was only working as substitute of regular EDA Sh. Anil Kumar attracts the provisions of Section 25F of the I.D. Act.

19. In this regard the learned representative on behalf of the workman has placed reliance on 1995 I.L.J 994, 1978(2) SLR page 840, (1987) 4 SCC 99 in support of his contention that in matter of disengagement of substitute EDA, the compliance of provision under Section 25F is essential if he had worked for 240 days in stipulated period. But the facts of the aforesaid case laws are different. In 1995 I.L.J 994 the matter under consideration was whether Central Ordinance Depot is an 'industry' within the meaning of Section 2(j). In 1978(2) SCC 840 the workman was retrenched under Railway Establishment Code. Hon'ble Allahabad High Court held that provision of Section 25F of the I.D. Act will over ride the contrary provision under said code. In (1987) 4 SCC 99 the matter under consideration was regarding applicability of Chapter V-A to establishment governed by the State Act. In none of above cited case laws, it was under consideration whether in matter of substitute EDA provided by regular EDA during leave period under Rule 1964, the provision of Section 25F are applicable.

20. So far as legal proposition laid down in the aforementioned case laws is concerned, this legal position

is not disputed that according to Section 25(J) of the I.D. Act provision of Chapter V-A which include Section 25-F have over riding effect. It is also well settled that P&T is industry coming under the definition of Section 2(J) of the I.D. Act. It is also not disputed that if a workman had worked more than 240 days in preceding twelve months from the date of his alleged termination, his services can not be terminated in violation of provision of Section 25F of the I.D. Act.

21. In present case, the workman was working as substitute of the regular EDA Sh. Anil Kumar. In 1998 SCC (L&S) 447 Hon'ble Apex Court has observed that EDA is a government servant holding civil post & is entitled to protection of Article-311 (2) of Constitution of India & P&T EDA (Conduct & Service) Rule 1964 are a code governing service, conduct & disciplinary proceedings against EDA. Hon'ble Court while considering the system & object of engaging EDAs has further observed;

"The Extra Departmental Agents system in the Department of Posts & Telegraphs is in vogue since 1854. The object underlying it is to cater to postal needs of the rural communities dispersed in remote areas. The system avails of the services of schoolmasters, shopkeepers, landlords and such other persons in a village who has the faculty of reasonable standard of literacy and adequate means of livelihood and who, therefore, in their leisure time can assist the Department by way of gainful avocation and social service in ministering to the rural communities in their postal needs, through maintenance of simple accounts and adherence to minimum procedural formalities as prescribed by the Department for the purpose."

22. In (2000)9 SCC 416 the matter under consideration was whether a substitute EDA of the postal department who have worked for 180 days or more in one calendar year continuously can claim to be regularize. Hon'ble Apex Court held as under ;

"The claim on behalf of substitutes ordinarily is not entertainable but made it clear, however, that if they have worked for long periods continuously, their cases could be appropriately considered by the Department for absorption."

23. It is also pertinent to mention that under rule 5 EDA (Conduct & Services Rules) 1964 during leave period of regular EDA of Postal Department the EDA is required to arrange his work being carried on by a substitute who should be a person approved by the authority competent to sanction leave to him & such approval is required to be obtained in writing. The allowances normally paid to the EDA shall during leave be paid to the substitute provided by him.

24. It is evident from the oral and documentary evidence on record that the workman was provided as

substitute by regular EDA Sh. Anil Kumar & when Sh. Anil Kumar took charge of EDA, the workman was disengaged w.e.f. 8-4-2002. The workman was provided as substitute by Sh. Anil Kumar at his own responsibility under Rule 1964.

25. The learned representative on behalf of the workman has cited (1991) 15 ATC 531. In this case the matter was pertaining extra departmental Branch Post Master appointed as substitute in leave vacancy but allowed to continue more than three years. Hon'ble CAT, Ernakulam held Chapter VA is applicable to P&T & overrides the rules 1964. But in the light of decision of Hon'ble Apex Court in aforementioned case laws, the view taken by Hon'ble CAT can not be accepted.

26. Thus in the light of legal proposition laid down by Hon'ble Apex Court in aforementioned decisions & keeping in view the scheme & procedure of providing substitute EDA even if the workman had worked continuously for more than 240 days from the date of his disengagement as substitute EDA under P&T EDA (Conduct & Service) Rule 1964, his disengagement does not fall within the preview of Section 25-F of the I.D. Act, thus the workman is not entitled for any relief claimed by him.

27. The reference under adjudication is answered accordingly.

LUCKNOW
24-11-2009

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2009

का.आ. 54.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अरनाकुलम कोचीन के पंचाट (संदर्भ संख्या 6/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2009 को प्राप्त हुआ था।

[सं. एल-40011/50/2007-आई आर (डी यू)।

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 7th December, 2009

S.O. 54.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 6/2008) of the Central Government Industrial Tribunal cum-Labour-Court, Ernakulam, Cochin as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 7-12-2009.

[No. L-40011/50/2007-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM****PRESENT :** Shri P. L. Norbert, B. A., LL.B., Presiding Officer

(Friday the 20th day of November, 2009/29th Kartika, 1931)

I. D. No. 6/2008

Workman : G. Baburajan,
S/o. Shri N. Gopala Pillai,
Puthumangalathu Veedu,
Maranadu P.O., Ezhukon,
Kollam (Kerala).
By Adv. Sri. M. R. Sudheendran

Management : 1. The Chief General Manager
(Telecom),
Bharat Sanchar Nigam Ltd.,
Kerala Circle, PMG Junction,
Trivandrum
2. The Divisional Engineer (TT),
Bharat Sanchar Nigam Ltd.,
Central Telegraph Office,
Kollam (Kerala).
By Adv. P. Vijayakumar.

This case coming up for hearing on 18-11-2009, this Tribunal-cum-Labour Court on 20-11-2009 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

“Whether the demand of Shri Baburajan for regularisation of his services by the management of Bharat Sanchar Nigam Limited, Kerala Circle/Bharat Sanchar Nigam Limited, Central Telegraph Office, Kollam, is legal and justified? If yes, to what relief the workman is entitled to?”

2. The facts in a nutshell are as follows :—Shri Baburajan, the claimant was engaged for cleaning and sweeping in the premises of BSNL, Telecom Centre, Kundara since 10-4-1993. While so, he made a representation on 30-10-1998 for regularising his service. Pending representation he approached Central Administrative Tribunal in O.A. 21/99 claiming temporary status and regularisation. The management was directed to dispose off the representation. When the management tried to terminate the service of the worker after rejecting the representation O.P.29812/2003 was filed before the Hon'ble High Court of Kerala. There was an interim order not to replace the worker by fresh hands. Thereafter in the final

order in O. P. the worker was directed to approach Labour Forum for appropriate relief. Hence the reference. The workman is continuing in service even now, but on the strength of an interim order in O. P.

3. According to the claimant he was taken as a part-time casual sweeper in April 1993. He has been working continuously. Meanwhile he made representation for regularisation. It was not favourably considered by the management. But the management compelled the worker to submit quotations for doing the work of cleaning and sweeping on daily wage basis. The worker had no other alternative than to succumb to the pressure of the management lest he should be thrown out of service. However the so-called contract is sham. There is master-servant relationship between the parties. He has been working continuously since 1993 and has worked more than 240 days every year. The work is perennial in nature. He is denied benefits of various labour welfare legislations and it amounts to unfair labour practice. The worker is entitled for regularisation and consequential benefits.

4. According to the management the claimant is not a workman as defined under Industrial Disputes Act. He was only a contract worker and not an employee of the management. The contract has been extended from time to time on the basis of quotations. Such contract is liable to be terminated on notice at any time. He has no right for emplyment or regularisation in service of the management. There was ban for engagement of part-time casual labourers or recruitment of casual labourers ever since 1984. The power of D.O.T. Officers to make payment to casual workers was also withdrawn by the department by circular of 1999. Therefore there could be no valid engagement or appointment of casual labourers in the department. The application of the worker before Central Administrative Tribunal for regularisation was rejected. The department had considered his representation and had rejected his request for regularisation as he was only a contract labourer. The High Court also had not considered his prayer for allowing regularisation. He has no right for regularisation. The claim is liable to be rejected.

5. In the light of the above contentions the following points arise for consideration :

1. Is the claimant a casual worker or a contract labour ?
2. Is he entitled for regularisation ?
3. To what relief he is entitled ?

6. The evidence consists to the oral testimony of WW1 and documentary evidence of Exts. W1 to 5 on the side of the worker and MW1 and Exts. M1 to M6 on the side of the management.

7. **Point No. 1 :—** The demand of the worker is for regularisation in service of the management. It is an

admitted fact that he entered service of management for sweeping and cleaning on 10-4-1993 on daily rate basis. But according to the worker he was engaged as casual labourer by the department. However according to the management he was only a contract worker. If he is only a contract worker the question of regularisation does not arise. Therefore the pertinent aspect to be considered is his status either as casual worker or as contract worker.

8. Ext. M3 series are quotations submitted by the worker from 1993 onwards. There are 4 such quotations produced by the management. Ext. M3(a) is dated 18-6-1993 and the contract was awarded to the worker for a period of three years and the remuneration per day was Rs. 9. The contract was liable to be terminated on 7 day's notice by either side. Ext. M3(b) is another quotation dated 17-3-1995 and the period of contract was for one year. Ext. M3(c) is a 3rd quotation dated 17-3-1996 for a period of one year @ Rs. 16 per day. Ext. M3(d) is a 4th quotation dated 18-11-1998 for a period of one year @ Rs. 25 per day. Thereafter the worker approached Central Administrative Tribunal in 1999 claiming regularisation. It is relevant to note that the worker entered service on 10-4-1993. The first quotation is dated 18-6-1993. During the period between 10-4-1993 and 18-6-1993 there is no contract. So also between Ext. M3(c) and (d) contracts there is a gap of 20 months without contract. But admittedly he was working continuously on all working days. MW1 has admitted that the worker was working on all working days except holidays (page 9 of MW1). The management is bound to explain these two periods of service of the worker without contract. It is relevant to note that Ext. M3(b) and (c) are identical except for the correction of the year 1995 to 1996 in Ext. M3(c). The worker has a case that the contract was forced upon him by the management in order to deny benefits and make him work at a fixed rate per day which is far below the minimum wage. All quotations are signed by the worker. It is true that he has not raised any protest or lodged any complaint before any authority regarding the circumstances under which the quotations were submitted, for fear of termination of his service. Whether the quotations were given by the worker voluntarily or under compulsion, the fact remains that his entry in service was as part-time casual labourer for sweeping and cleaning purposes and not as contract labourer as contended by the management. It so, subsequent contract cannot change his status as casual part-time labourer. There is no satisfactory explanation by the management regarding the service during the period between 17-3-1997 and 18-11-1998 (20 months) without a contract. But the worker was engaged even during this period for sweeping purposes. The management has no case that anybody else was also engaged alternatively for sweeping work. The management has also no case that sweeping was not required during the above period of 20 months. They have also no case that sweeping and clearing is done only once in a way. It is a perennial work and requires somebody's service every day. That means even if the case of management regarding contract is

accepted, still the claimant was a casual labourer during the above period of 20 months when there was no contract. Similarly there was no contract during the period between 10-4-1993 and 18-6-1993. Exts. W1 series are ACG 17 bills showing payment to the worker by the department. He was the sole worker for sweeping and cleaning. There was no one else other than the management officers to supervise and control him. He has been working continuously. The nature of the work is perennial. The circumstances and the manner in which quotations were obtained cast doubt on the case of the management that he was a contract worker. It is worthy to note that before the expiry of the initial period of contract of three years from 1993 the 2nd quotation was obtained in 1995. Thus the whole circumstances go to show that the case of the worker is more probable than that of the management.

9. It was then contended by the learned counsel for the management that there was ban since 1984 for engagement of full time casual worker as well as part-time casual worker. Ext. M1 is the direction of the Assistant Director General (STN) dated 14-8-1984 banning future recruitment of part-time casual Mazdoors. Ext. M2 dt. 22-6-1988 is another ban order against fresh recruitment and employment of casual labourers for any type of work. Ext. M4 is an Office Memorandum dated 12-2-1999 by which the powers of all DOT officers, to engage casual labourers on daily or monthly wages, either directly or through contractors and the authority of Accounts officers to make payment to such workers either directly or through contractors, were withdrawn. Therefore the management contends that there was no chance for engaging or employing a part-time casual sweeper in the department in the year 1993. No doubt ban was there as per exhibits referred supra. But if the officers concerned were not aware of the ban or even if they were aware if they disregarded the ban and engaged someone on casual basis, the employee cannot be blamed for violation of the ban orders. It is the look out of the departmental officers to abide by the instructions and orders of the department or else to face disciplinary action. However it cannot affect an employee who is unaware of any ban order or unbound by the ban order to enter service permitted by the officers. Despite the ban the claimant who entered service on 10-4-1993 enjoyed the status as part-time casual labourer which cannot be taken away under the cover of ban orders. He has worked continuously for a period of 240 days in a year. He has acquired certain rights under Industrial Disputes Act, namely Section 25-F as a casual worker. Such rights cannot be taken away on the strength of ban orders. The department was free either to take him for work or not to take him. Having engaged him as part-time casual labourer he cannot be denied the rights that have accrued to him. Neither CAT nor the Hon'ble the High Court has decided the status of the worker. On the other hand High Court has directed the worker to approach labour forum for adjudication of his rights.

10. In view of all the reasons stated above I find that the claimant is a part-time casual labourer and not a contract

worker. He is a workman within the meaning of S. 2(s) of I.D. Act.

11. Point No. 2 :—The workman submitted a representation to the management on 30-10-1998 for regularisation of service. It is an admitted fact that there was a scheme for regularisation of casual workers in the management. It is admitted by the learned counsel for the workman that the scheme is not applicable to the workman as he is only a part-time casual worker. As per the judgment of Hon'ble Supreme Court in C.A. 360 and 361 of 1994 referred in Ext. W3 memorandum of the management part-time casual employees are not eligible for regularisation in service as per the scheme in the Telecom Department. So also, "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Department of Telecommunications, 1989". Clause-4 (A) refers only to casual labourers (full time) which is clear from Clause-5 also. It is observed in Ext. M6 order of CAT that part time casual labourers are not covered by the scheme as per the ruling of Apex Court. But apart from the scheme if the workman has any right under any provisions of law for regularisation, the scheme cannot be a bar for consideration for regularisation. But it is held in Secretary, State of Karnataka V. Umadevi (2006) 4 SCC 1 that however long a casual labourer works he does not acquire a right for absorption. No doubt it is not a fair practice for a Government department to utilise the service of a worker for long years paying meagre wages and depriving him of all other benefits other than the fixed rate of wages per day. The interim order of the Hon'ble High Court in O.P. to maintain status quo was in 2003. From 1993 to 2003 for 10 years he has been working continuously without an order of any court. MW1 (page 9) has stated that except on holidays he has been working every day. It is needless to say that he has worked more than 240 days continuously every year. Therefore, he cannot be thrown out of service without compliance with S. 25-F of I. D. Act. But for regularisation he has no right as the management being a public sector establishment it has to follow the procedure for recruitment and consider the eligibility criteria of the candidate. Hence as of right the workman cannot claim regularisation. But it is only fair and proper for the management to consider his case for permanency in service if norms are flexible. There can be no doubt that the workman is entitled for wages and other benefits of a part times casual employee of the management.

11. Point No. 3 :— (See award portion).

In the result an award is passed finding that the demand of the worker for regularisation in service of the management is not legal and justified. However, he is entitled to remain in service as part-time casual labourer until he is terminated in accordance with the procedure under I.D. Act. Till then he is entitled to draw wages and other benefits of a part-time casual employee of the management.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 20th day of November, 2009.

P. L. NORBERT, Presiding Officer.

Appendix

Witness for the Workman:

WW1 — 14-08-2009 — Baburajan G.

Witness for the Management

WW1 — 06-11-2009 — Leelamma Thomas.

Exhibits for the Workman

- W 1 series — ACG 17 bills showing payment to the worker by the department.
- W 2 — Order in O.A. No. 21/99 of Central Administrative Tribunal, Ernakulam Bench dated 08-01-1999.
- W 3 — Order of the management rejecting representation of the workman for regularisation.
- W 4 — Order in W.P. (C) No. 29812/03-Y dated 22-09-2003 of the Hon'ble High Court of Kerala, Ernakulam.
- W 5 — Judgment in W.P.C. (C) Nos. 23716 & 29812 of 2003 and W.P. (C) Nos. 3017, 23761, 32003, 32694, 34797, 35782 & 36078 of 2005 dated 06-7-2007.

Exhibits for the Management

- M 1 — Direction of the Assistant Director General (STN) dated 14-08-1984 banning future recruitment of part-time casual Mazdoors.
- M 2 — Another ban order dt : 22-06-1988 against fresh recruitment and employment of casual labourers for any type of work.
- M 3(a) — Quotation submitted by the worker dated 18-06-1993.
- M 3(b) — Quotation submitted by the worker dated 17-03-1995.
- M 3(c) — Quotation submitted by the worker dated 17-03-1996.
- M 3(d) — Quotation submitted by the worker dated 18-11-1998.
- M 4 — Office Memorandum dated 12-02-1999.
- M 5 — Memo No. O.A. 21/99/14 dated 13-04-1999 issued by the Sub Divisional Engineer (TT) CTO, Kollam.
- M 6 — Order of Central Administrative Tribunal.

नई दिल्ली, 7 दिसम्बर, 2009

का.आ. 55.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल वॉटर एण्ड पावर रिसर्च स्टेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/लेबर कोर्ट, पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-09 को प्राप्त हुआ था।

[सं. एल-42011/40/97-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 7th December, 2009

S.O. 55.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal/Labour Court, Pune as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Water & Power Research Station and their workman, which was received by the Central Government on 7-12-2009.

[No. L-42011/40/97-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI V.M. KAKADE, PRESIDING OFFICER, SECOND LABOUR COURT, PUNE

REE (IDA) NO. 337 OF 1998

BETWEEN

The Director,
Central Water & Power Research Section,
Khadakwasala, Pune- 411024 ...First Party

AND

The Workmen represented by
Central Water & Power Research Section,
Kamgar Sabha,
Khadakwasala, Pune-411024Second Party

Coram : Shri V.M. Kakde

Advocates: Sau. Kadam, Advocate for 1st Party
Shri Yardi, Advocate for 2nd Party.

AWARD

(Date: 26-5-2009)

1. This reference has been preferred by the Desk Officer, Government of India, under Clause-D of Sub-Sec. (1) and Sub-Sec. 2(a) of Sec. 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) for adjudication with following Schedule.

SCHEDULE

“Whether the action of the management of CW & PRS, Khadkwasala, Pune in not appointing the

dependants on compassionate ground of the following deceased employees in the establishment is justified and legal? If not, what is the relief to which the dependants of the deceased employees are entitled to?”

Name of the employees 1. Sh. N. N. Marne, 2. Sh. B.S. Gaikwad, 3. Sh. N. G. Rokade, 4. Sh. R. N. Bhoi, 5. Sh. S.S. Pawar, 6. Sh. Ratiram Walmiki, 7. Sh. Narayan Nambiyar, 8. Sh. N. D. Kale.

2. Though reference is preferred on behalf of 8 employees, finally it is pressed for Shri Balu Bhoi, dependent of R.N. Bhoi, in the matter of appointment on compassionate ground.

3. The factual dispute summarized in narrow compass is as follows :

That first party is a establishment of Central Government coming under the Ministry of Water Resources, New Delhi. It is an Industry as defined under Sec. 2(j) of the Act, 1947. First party at Pune is established in the year 1916 and I.D. Act, 1947 is made applicable to it in the year 1957. Above 1500 employees are employed, out of which about 300 employees are officers and remaining 1200 are staff members and workers. About 900 workers are in Group-C & D Categories. All workers are organized under Kamgar Sabha, a union registered under the Trade Unions Act.

4. It is contended that the Government of India has introduced a system known as Joint Consultative Machinery (JCM) in order to resolve grievances of the employees. The departmental council as a part of (JCM) has been constituted for Ministry of Water Resources (in short MOWR). The meetings of departmental council are held periodically in New Delhi and presided over by the Secretary, Ministry of Water Resources. There are also sub-committees for every establishment besides office council at local level of the establishment. It is contended that the issue of compassionate appointment has been continuously taken for consideration and decision in departmental council, its committees and office council from time to time.

5. It is contended that the Government of India has introduced a scheme for compassionate appointment, laying down terms and conditions for eligibility to be appointed on compassionate ground. The scheme of compassionate ground is for purpose to bring relief to the family of deceased member who died in harness, leaving his family in penury and without any means of livelihood and to help the family to get over financial destitution and emergency. The compassionate appointment is granted within the framework of its scheme as well as in the compliance with the law laid down by the superior courts of our country.

6. It is contended that during the period from 03-08-95 to 20-05-99 Mr. B.U. Nair, was the Director of the first party when the present dispute was raised. He refused to entertain the dispute pertaining to appointment on compassionate ground of Shri Balu the dependent of the deceased employee R.N. Bhoi, who was working as a helper for 30 years. The Director evaded to concede to the recommendations of the committee pertaining to the compassionate appointment which is subject matter of this dispute.

7. It is contended that the Kamgar Sabha had very hardly persuaded its grievance of compassionate appointment in number of cases with the Director. Thereafter, the Kamgar Sabha has submitted a letter dtd. 05-09-1996 to the then Hon'ble Minister for Water Resources, New Delhi referring 14 such cases including case of Shri Balu Bhoi son of deceased employee R. N. Bhoi for compassionate appointment.

8. It is contended that out of 8 death cases referred, the son of the deceased employee Shri B.S. Gaikwad and Shri N.G. Rokade have been appointed on compassionate ground on 11-09-97 & 24-12-97 respectively. It is further contended that this issue was discussed with the Secretary MOWR during his visit to first party that the family member of the deceased are surviving with the help of meager pension, further mentioning that there are 31 and 14 vacancies available in Group-C & D Categories respectively available for compassionate appointment. Thus, the employee namely Shri Bhoi be absorbed in the employment on compassionate ground.

9. First party appeared and filed its Written Statement inter alia at Exh. C-20. It is contended that dependents of the deceased workman are not covered under the definition of workman as required under Sec. 2(s) of the Industrial Disputes Act. Hence, reference is not maintainable. It is contended that as per the scheme, making appointment on compassionate ground, the competent authority is required to verify the facts whether the employee dies in harness and family of deceased/medially in validated employee are living in indigent circumstances and in distress. The genuineness and merits of each case has to be weighed against the interest of the several hundred candidates who awaited on the live register of the employment exchange.

10. It is contended that it is well settled before the various authorities that the appointment on compassionate grounds is not a matter of benevolence. During 23rd Meeting of the Departmental Council of the Ministry of Water Resources held at New Delhi on 06-11-98, it was decided that the Under Secretary, Ministry of Water Resources, New Delhi would visit the first party for identification of overall vacancies and corresponding vacancies for compassionate quota. Thereafter, the Director, first party would review the request pending from

the wards of deceased employees for appointment on compassionate grounds as per the instructions on the subject.

11. It is contended that the compassionate appointment committee was constituted by the Director of first party with a view to advise the latter in the matter of making appointment of the dependents of the deceased employee, who deserves to be considered for appointment on compassionate grounds as per the government instructions on the subject matter. The appointment on compassionate grounds are made in relaxation of Employment Exchange.

12. It is contended that the Secretary, Ministry of Water Resources, New Delhi requested the first party to consider all the past cases of appointment on compassionate grounds. Accordingly as instructed, the cases have been considered on merits and with due regards to the government instructions and appropriate appointments were made.

13. It is contended that the appointment on compassionate grounds cannot be claimed as a matter of right by the dependents of the deceased employees. The applications of such persons are required to be considered by the appointing authority on merits of each case independently. The question of satisfaction of the appointing authority cannot be challenged unless aggrieved party are able to prove beyond the malafide intention or bias in the procedure adopted. Hence, reference be rejected.

14. In view of pleadings of the parties, following issues have been framed at Exh. 35. My findings thereon and reasons for the same are as under.

ISSUES

FINDINGS

1. Whether the 6 applicants Ganesh Marne, Balu Bhoi, Sunil Pawar, Santosh Valmiki, KT Raju and Smt. Nirmla Kale are eligible to be appointed on compassionate grounds having been placed in indigent condition? ... Yes, only Balu Bhoi
2. Whether first party prove that it has strictly complied the provisions incorporated in office memorandum dt. 9-10-98 r/w. other instructions and rules of committee recommendation? ... No
3. Whether the first party has adopted discrimination in the matter of compassionate appointment of Gaikwad & Rokade? Yes
4. What order? As per final order.

15. To establish its case against the first party, Shri Dilip Vishnu Awale filed his affidavit in lieu of

examination in chief as a General Secretary of the second party union at Exh. 35 and also filed affidavit in lieu of examination in chief of disputed applicant Shri Balu Raghunath Bhoi at Exh. 48 and closed evidence by filing pursis at Exh. 61. On the other first party examined Shri Shankar Shivram Gaikwad Officer of the first party at Exh. 61 and closed evidence by filing pursis at Exh. 79.

16. Both the parties have filed voluminous documents which I have referred at the relevant places in this Award.

17. With this evidence before me, I have discussed my reasons for findings as under :—

REASONS

18. **Issue No. 1 to 3:-** Both these issues are interlinked with each other hence, to avoid repetition of discussion, I have discussed both the issues together as under :-

19. In Support of contentions, General Secretary of the second party union Shri. Dilip Vishnu Awale in his affidavit in lieu of examination in chief has mostly reiterated facts contended in the statement of claim. Relevant deposition to adjudicate the controversy can briefly be stated as under:—

It is stated on oath that out 1500 employees about 900 workers were working in Group-C&D Categories. Government of India has introduced a scheme of compassionate appointment in the year 1958 to provide employment to the dependents of the deceased employees who died in harness. It is further stated on oath that in the period between 03-08-95 to 30-05-99 the then Director Mr. B.U. Nair had not considered applications referred by the committee of the dependents of the deceased employees, who died in harness. It is stated on oath that Director has deliberately evaded to concede to the recommendations of CAC pertaining to the compassionate appointment. Therefore, second party union addressed a letter to the Minister for Water Resources, New Delhi and intended to proceed on hunger strike in persuasion of appointment on compassionate ground. Thereafter on discussion with the Secretary second party deferred from hunger strike and again referred 14 pending cases for the compassionate appointment. Though sufficient vacancies were available in group C & D category the then Director Shri B.U. Nair appointed Shri Gaikwad and Shri Rokade and not considered applications of rest of the dependents applicants and thereby Director has deliberately committed breach in furnishing the record to the Ministry of Water Resources and more particularly the recommendations of the committee constituted to scrutinize the applications of compassionate appointment.

20. It is stated on oath that finally circumstances constrained second party to prefer conciliation proceeding, where also management behaved adamantly and conciliation resulted into failure.

21. In support of his case Shri Balu Bhoi, the dependent applicant of the deceased employee Shri Raghunath Bhoi in his affidavits in lieu of examination in chief PRS as a helper-III for 30 years. While in the employment, he died on 20-01-94. after death of his father, his mother i.e. widow of the deceased employee has received gratuity amount of Rs. 29,694, PF of Rs. 06, 336 Insurance amount of Rs. 17,403, leave salary of Rs. 2,678 total amount she had received is Rs. 56,111. Along with this, she is getting family pension of Rs. 505 pm.

22. He has further stated on oath that his date of birth is 05-07-75. He has studied upto 9th Std. and is unemployed. His elder brother Bapu has joined services as helper with the first party six years prior to death of his father. He is married and having two sons. His brother of Bapu is living separately along with his wife and children at Nanded and he himself is staying with his mother and wife. His mother is 62 years old and having long sickness. She has incurred huge amount from the amount received for her illness. Now she is getting family pension Rs. 2468 which is required for her medicines and livelihood. By fishing he is getting Rs. 300 to Rs. 400 pm and he has no source of income. Therefore, he is eligible for compassionate appointment.

23. He has stated on oath that immediate after death of his father, he has applied for the appointment on the compassionate ground. Along with other applications, his application was also referred by the committee, but Director ignoring recommendations discriminated him by appointing Shri. Milind Gaikwad and Pravin Rokade. As such injustice is caused to him.

24. He has further stated on oath that on rejecting his application by the then Director Shri. B. U. Nair, second party union persuaded this matter to the Central Government and on suggestion, he has filed fresh application for appointment on compassionate ground.

25. He has further stated on oath that on recommendations by the Central Government, the then Director Shri. B.U. Nair make farce of enquiry by visiting places of dependents and again rejected application without assigning any reason though since 1994 number of vacancies are there. He has further stated on oath that he is in dire need of employment. His financial position is very very poor. If he will not be appointed on compassionate ground, his family will be forced starvation. Hence, this reference.

26. On the other hand, Shri. Shankar Shivram Gaikwad, officer of the first party in his evidence before the court has stated on oath that he is well acquainted with the facts of this case. Out of disputed employees, 6 have relinquished their claim. Therefore, dispute remained only for Shri Balu Bhoi and Santosh Valmiki.

27. It is further stated that application for post on compassionate ground were scrutinized by the committee prior to 1996. While scrutinizing their applications, as per the guidelines given including income and thereby indigents of the applicants was scrutinized. Report of the scrutinizing committee was made by the director Shri. Nair in the year 1996 on 04-07-96. Report of Shri. Balu Bhoi and Shri. Valmiki are along with at Exh. 58. Reports are with the signature of Shri. Nair, and the then administrative officer. Reports are Exh. 62. He has further stated on oath that again scrutiny was made by the committee and report, was submitted on 20-03-97. It bears signature of Shri Shete Administrative Officer, who was the Chairman of compassionate committee, report is at Exh. 83. In this report scrutiny Yogesh Kandar, Mohan Koarde, Sharada Pawar, Santosh Bankar were made. He has filed the approval of ministry for relaxation in the case of Shri Shekhar Dharvatkar, Haribhu Rambhau Dhumal.

28. This witness has further stated on oath that he has filed report of scrutiny dtd. 25-07-97 submitted by Shete, Administrative Officer. Copy of this report was submitted to the Chairman this report was in respect of Milind Gaikwad and Pravin Rokade. Objection was raised by the union and intimated to the director in the said letter union took objection on behalf 10 employees. Papers regarding Balu Bhoi are filed on record at Exh. 64. Subsequently Shri Nair informed to the Secretary, that vacancies deemed to be abolished by issuing letter dtd. 3rd July, 2001. Government rejected proposal given by the office. This rejection letter was received by Shri Goyal Das, it is at Exh. 17.

29. It is further stated on oath that thereafter also by issuing letter dtd. 20th November, 2001 this office proposal of approval of 19 employees, though proposed, Ministry of Finance rejected proposal of this, accordingly, Secretary of India intimated about disagreement of the proposal.

30. It is further stated on oath that thereafter director appointed committee to discuss about compassionate ground, he was one of the member of that committee. After discussion, again 16 names were proposed for approval, but in view of the guidelines given proposal of Shri. Balu Bhoi was again rejected and accordingly same was intimated by Shri Shishram Ola to Shri Dhanwade by letter dtd. 28-02-98, which at Exh. 74. Having no alternative, first party intimated the same to the complainant vide Exh. 75.

31. He has further stated on oath that now director has restricted quota on compassionate ground to 5% only. Unfortunately at present there is ban on such post of compassionate ground, therefore, position became stand still and they have only the list. He has stated on oath that the name of the complainant and Valmiki is not there. It is stated on oath that both Shri Bhoi and

Valmiki are not eligible for compassionate ground. Their proposal is rejected twice by the government.

32. On perusal of record it appears that the first party had established a committee to recommend the cases of recruitment on compassionate grounds. Mr. SR Gaikwad, Additional Joint Director was the Chairman of the Committee and Mr. R. S. Shete, AO was the Secretary of the Committee and Mr. P. D. Mate was included in the committee as representative of Kamgar Sabha. This committee had unanimously recommended the name of Balu Raghunath Bhoi for the appointment on compassionate ground after due scrutiny, which is a part of minutes at Page No. 52 of the document.

33. It further appears from the record that the Secretary of Kamagar Sabha Mr. Dilip Awale in his evidence which is supporting to the case of Balu Bhoi established that the first party denied him the justice, defied the mandate in government circular and adopted discriminatory approach in appointing Mr. Gaikwad and Mr. Rokade. It has also come on record that Balu Bhoi resides with his mother separately from his brother and his family is in small room.

34. It is also established that there were vacancies for compassionate appointment at the relevant time as per the statement of Shri. R. B. Shete, the then Administrative Officer of the first party. The applicant Balu Bhoi is eligible to be appointed in the Class (D) post. The then competent authority Mr. B.U. Nayak had no cause and reason to casually visit the houses of the claimants and refuse the claim of Mr. Balu Bhoi and others without recording any reason and adopted subjective considerations in total breach of the statutory provisions and law involved. The denial of compassionate appointment to Mr. Bhoi at the instance of Mr. BU Naik is arbitrary, mala fide, illegal and untenable.

35. It is needless to say that only Shri. Balu Bhoi dependent of Shri R. N. Bhoi is defending the present reference. The rest of the applicants waived their right in the litigation. After hearing the I.d. Counsels appearing for the parties and after taking into consideration the evidence adduced by the parties and after careful perusal of the documentary evidence adduced by the parties, the first party has committed a grave error. As the first party gave appointments on compassionate ground to Shri Gaikwad and Shri. Rokade. The documentary evidence filed by the applicant Balu Bhoi itself shows that he is living separately and having no source of income. Then how the first party offered employment on compassionate grounds to Shri. Gaikwad and Shri. Rokade, who were having similar position like Balu Bhoi. It means first party has discriminated with the applicant Bhoi. It is significant to note that pursuant to the application filed by applicant Balu Bhoi for appointment on compassionate ground as

provided under the scheme for appointment of dependents of the deceased employee was not considered by the first party; the reasons for rejection of appointment does not appear probable.

36. It is normally expected of the competent authority to have had a practical approach and taken a sympathetic view of the matter. It is well settled that the idea and object of giving compassionate appointment is to mitigate the hardship. The compassionate appointment is intended to enable the family of the deceased employee to tide over sudden crisis resulting due to death of bread earner, who had left the family in penury and without any means of livelihood. In this case also, the first party discriminated against Shri. Balu Raghunath Bhoi.

37. Hence, I find that Shri Balu Bhoi is eligible to be appointed on compassionate ground. Thereby the first party has discriminated him by rejecting his claim. Therefore, it would proper to direct the first party to consider the claim of Shri Balu Bhoi. Hence, I answer the issues accordingly. Consequently, I pass following Order.

ORDER

1. First party is hereby directed to consider the claim of Shri Balu Raghunath Bhoi, dependent of Shri R. N. Bhoi for compassionate appointment on priority basis.

2. No order as to costs.

Place : Pune

Date : 26-05-2009.

V. M. KAKADE, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2009

का.आ. 56.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खान ब्यूरो के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण एवं श्रम न्यायालय अजमेर के पंचाट (संदर्भ संख्या) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-09 को प्राप्त हुआ था।

[सं. 42012/38/2007-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 7th December, 2009

S.O. 56.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal-cum-Labour Court, Ajmer as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Mines Bureau and their workman, which was received by the Central Government on 7-12-2009.

[No. L-42012/38/2007-IR (DU)]

SURENDRA SINGH, Desk Officer

अनुबंध

न्यायालय, श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर

सी आई टी आर नं. 7/07

(रेफरेंस संख्या एल-42012/38/07 (आई आर. 21-09-07))

श्री सत्यनारायण पुत्र श्री माधी निवासी कुम्हार मौहल्ला, श्रीनगर अजमेर (राज.)

—प्रार्थी

बनाम

1. अधीक्षण अभियंता (छिद्रण एवं मैकेनिकल) खान एवं भू-विज्ञान विभाग, उदयपुर

2. खनिज अभियंता, खनिज ब्यूरो, जयपुर रोड, अजमेर

—अप्रार्थी नियोजक

श्री मिथिलेश कुमार शर्मा आर एच जे एस

प्रार्थी की ओर से : श्री सत्यकिशोर सक्सेना, एडवोकेट

अप्रार्थी की ओर से : श्री रामस्वरूप राजकीय अभिभाषक

अवार्ड

दिनांक 29-10-09

केन्द्र सरकार, श्रम मंत्रालय भारत सरकार से प्राप्त रेफरेंस इस प्रकार है।

1. Whether the action of the management of Mines Bureau, Ajmer in terminating the services of their workman Shri Satya Narain w.e.f. 30-11-05 is legal and justified? If not to what relief the workman is entitled to?

2. प्रार्थी को रेफरेंस प्राप्त होने पर क्लेम पेश करने के लिये नोटिस जारी किये गये। प्रार्थी पक्ष ने अपना क्लेम पेश कर कथन किया है कि प्रार्थी को हेलपर के पद पर दि. 9-9-2000 को नियुक्त किया गया था। प्रार्थी की नियुक्ति स्थान पोइंट नं. 2, आर.डी. 60, मशीन, श्रीनगर, जिला अजमेर पर किया गया था। प्रार्थी को सहायक पद पर नियुक्ति का कोई पत्र जारी नहीं किया था। प्रार्थी की उपस्थिति मस्टर रोल में एक वर्ष तक की गई और उसे इस दौरान 1500 रुपये प्रतिमाह वेतन दिया जाता रहा है। उसका भुगतान वाउचर के जरिये होता था। प्रार्थी दैनिक वेतन भोगी कर्मचारी के रूप में अप्रार्थी के यहां लगातार 4 वर्षों तक कार्य किया। प्रार्थी पक्ष का यह भी कथन रहा है कि अप्रार्थीगण ने प्रार्थी से चालक के पद हेतु आवेदन मांगा जिस पर प्रार्थी ने प्रार्थनापत्र के साथ चालक लाइसेंस की प्रति संलग्न करते हुए आवेदन किया जिस पर चालक के पद हेतु दुर्घटना बीमा करवाया गया। प्रार्थी ने चालक के पद पर एक वर्ष तक लगातार सेवाएं दीं और वह दिनांक 30-11-95 तक इस पद पर 2,000 रुपये मासिक वेतन पर कार्यरत रहा। आगे उसकी ओर से

कथन किया गया है कि प्रार्थी को 30-11-05 को बिना कोई कारण बताये सेवापृथक कर दिया और उसे हटाने से पूर्व ना तो नोटिस दिया गया और ना ही उसे एक माह का वेतन अदा किया गया। प्रार्थी की ओर से एक विधिक नोटिस दिनांक 6-2-06 को जरिये डाक प्रेषित किया गया। उसके उपरान्त भी प्रार्थी को ना तो सेवा में बहाल ही किया और न ही उसे देय राशि (वेतन) का भुगतान किया गया। प्रार्थी की ओर से चालक के पद पर कार्यरत रहते की फोटो भी प्रस्तुत की गई है। प्रार्थी ने इस पर अपना आवेदन पत्र समझौता अधिकारी के समक्ष पेश किया जहां समझौता वार्ता असफल रहने पर यह रेफरेंस इस न्यायालय को प्राप्त हुआ है। उनका यह भी कथन है कि प्रार्थी को सेवापृथक करने के बाद उसके स्थान पर श्योजीराम नामक व्यक्ति को कार्य पर रख लिया गया। इस प्रकार अप्रार्थी ने धारा 25 (एच) का उल्लंघन करना बताया है। प्रार्थी पक्ष ने यह भी कथन किया है कि प्रार्थी 1-12-05 से पुनः चालक के पद पर नियुक्ति दिये जाने एवं 1-12-05 से वेतन परिलाभ दिलवाये जाने की मांग की है।

3. अप्रार्थी की ओर से अपना जवाब क्लेम पेश कर कथन किया है कि प्रार्थी 9-9-2000 को श्रीनगर जिला परियोजना पर आर डी 60 मशीन पर कार्यरत नहीं था और उसे हेल्पर के पद पर कभी नियुक्त (नहीं) किया गया था। उनका यह भी कथन है कि प्रार्थी का नाम विभाग के मस्टर रोल में नहीं है और ना ही उसे 1500 रुपये प्रतिमाह वेतन दिया जाता था। अप्रार्थी विभाग में दैनिक वेतन कर्मचारी नहीं रखे जाते हैं। अतः सेवापृथक करने की बात को हास्यस्पद बताते हुए कथन किया है कि प्रार्थी को जब नियुक्त नहीं किया तो उसे हटाया जाना मुमकिन नहीं है। उनका यह भी कथन है कि उनका कोई कार्यालय राजस्थान में किस जगह है और किस जगह प्रार्थी ने अपने अभिभाषक के जरिये नोटिस प्रेषित करवाये हैं यह स्पष्ट नहीं किया है। उनका यह भी कथन रहा है कि विभाग में नियोजन की एक निर्धारित प्रक्रिया है। अप्रार्थी की ओर से अपने जवाब में अतिरिक्त कथनों में कथन किये हैं कि प्रार्थी कभी भी दि. 9-9-2000 से 30-11-05 तक उनके विभाग में कार्यरत नहीं रहा है। उनका यह भी कथन है कि अप्रार्थी विभाग एक राज्य सरकार का उपक्रम है अप्रार्थी पक्ष ने यह समझौता अधिकारी, केन्द्रीय के समक्ष आवेदन किया है और केन्द्र सरकार से यह रेफरेंस बनकर प्राप्त हुआ है जिसे सुनकर निर्णीत किये जाने का क्षेत्राधिकार इस न्यायालय को नहीं है। उनका यह भी कथन है कि चूंकि यह राज्य सरकार का उपक्रम है अतः इस रेफरेंस को राज्य सरकार द्वारा प्रेषित किया जाना चाहिये था। अंत में प्रार्थी का क्लेम सव्यय निरस्त करने की प्रार्थना की है।

4. प्रार्थी की ओर से दस्तावेजात प्रदर्श डब्ल्यू-1 से प्रदर्श डब्ल्यू-7 पेश कर प्रदर्शित करवाये गये हैं और विपक्षी की ओर से दस्तावेजात प्रदर्श एम-1 से प्रदर्श एम-17 पेश कर प्रदर्शित करवाये गये हैं।

5. प्रार्थी की ओर से अपनी साक्ष्य में सत्यनारायण, राजेन्द्र सिंह, भगवानसहाय, वीरेन्द्र सिंह यादव, सहस्र करण यादव के शपथ पत्र कर उनसे जिरह करवाई गई है जबकि अप्रार्थी की ओर से

श्री एन.के. जोनवाल का शपथ पत्र पेश कर उन्हें साक्ष्य में परीक्षित करवाया है।

6. मैंने बहस अंतिम उभय पक्षों की सुनी और पत्रावली का ध्यानपूर्वक अवलोकन कर लिया है।

विद्वान अभिभाषक प्रार्थी की दलील है कि प्रार्थी ने जो तथ्य क्लेम में वर्णित किये हैं। उनके समर्थन में उसने स्वयं का बयान तथा साक्ष्य कराई है। अन्य गवाहान राजेन्द्र सिंह, भगवानसहाय, वीरेन्द्र सिंह व सहस्रकरण के शपथ-पत्र पेश किये हैं जिनके आधार पर प्रार्थी का क्लेम साबित होने की दलील दी है।

7. विद्वान अभिभाषक प्रार्थी की यह भी दलील है कि अप्रार्थी संस्थान ने प्रार्थी की सेवाएं ली हैं। संविदा के आधार पर सेवा लेना अप्रार्थी प्रमाणित नहीं कर सका है और जो तथ्य प्रार्थी अपने क्लेम में लाया है उसे अप्रार्थी ने असत्य साबित नहीं किया है। अप्रार्थी संस्थान ने श्रमिक विरोधी नीति अपनाकर प्रार्थी के पक्ष में दस्तावेजात जारी नहीं किये हैं इस आधार पर भी प्रार्थी का क्लेम स्वीकार करने की दलील दी है।

8. विद्वान अभिभाषक अप्रार्थी की दलील है कि अप्रार्थी संस्थान एक राजकीय संस्थान है जिसमें नियमों के अन्तर्गत भर्ती की जाती है तथा विज्ञापन प्रकाशित किये जाते हैं भुगतान के लिये पे-स्लीप दी जाती है। कर्मचारियों का बीमा कराया जाता है उनका पी एफ कटता है और सेवा के आरंभ में नियुक्ति पत्र दिया जाता है। यदि प्रार्थी अप्रार्थी संस्थान में नियोजित होता तो उसके पक्ष में उक्त दस्तावेजात जारी होते। उन्होंने प्रार्थी के पक्ष में कोई दस्तावेजात नहीं होने व प्रार्थी द्वारा क्लेम में वर्णित तथ्य प्रमाणित नहीं होने की दलील देते हुए प्रार्थी का क्लेम खारिज होने की दलील दी है और अपनी दलीलों के संबंध में 2007 (9) एस बी आर पेज 1 तथा 2008 एस बी आर (9) सुप्रीम कोर्ट केसेज 370 की नजीरें भी पेश की हैं।

9. उपरोक्त दलीलों के संदर्भ में मैंने पत्रावली का अध्ययन किया तो पाया कि दस्तावेजी साक्ष्य के रूप में प्रार्थी ने केन्द्र सरकार की ओर से प्रेषित रेफरेंस की प्रति, क्लेम की प्रति, चालक अनुज्ञप्ति पत्र की प्रति, व मशीन व ट्रेक्टर के पास दर्शाते हुए फोटो भी पेश किये हैं। और जुबानी साक्ष्य में प्रार्थी सत्यनारायण ने स्वयं का शपथ पत्र पेश किया है लेकिन जब जिरह की है तो उसने कहा है कि मुझे कोई नियुक्ति पत्र नहीं मिला था। 9-9-2000 को मुझे हेल्पर लगाया था। कभी कोई लिखित में आदेश नहीं दिया। मुझे पता नहीं है कि वर्ष 1992 से कोई दैनिक वेतन भोगी कर्मचारी रखना बंद कर दिया हो। यह कहना गलत है कि 9-9-2000 से 30-11-05 तक मैंने काम नहीं किया हो।

10. राजेन्द्र सिंह यादव का शपथ पत्र पेश हुआ है जिसमें जिरह में कहा है कि अप्रार्थी विभाग का पूरा नाम खनिज विभाग है। मैंने सत्यनारायण का नियुक्तिपत्र नहीं देखा। मेरे सामने उसे भुगतान करते थे तारीख याद नहीं है। बोरिंग मशीन एक थी उस पर 10-12 आदमी काम करते थे। इससे टिकट लगातार भुगतान देते थे। यह मेरी जानकारी में नहीं है कि विभाग दैनिक वेतन पर कर्मचारी रखता

है अथवा नहीं। ए डब्ल्यू-03 भगवानसहाय का शपथ पत्र भी क्लेम के समर्थन में पेश हुआ है लेकिन उसने कहा कि संस्कृत शिक्षा में काम करता है। सत्यनारायण का मैंने कोई नियुक्तिपत्र नहीं देखा। मस्टर रोल के कागजात मैंने नहीं देखे हैं। ए डब्ल्यू-4 वीरेन्द्र सिंह यादव ने प्रस्तुत शपथ पत्र की जिरह में कहा है कि मैंने सत्यनारायण का नियुक्ति पत्र नहीं देखा लेकिन यह अप्रार्थी विभाग में कार्य करता था। मैंने अप्रार्थी विभाग के पास सत्यनारायण से सम्बन्धित कागजात नहीं देखे थे। प्रार्थी मस्टर रोल पर कार्य करता था। ए डब्ल्यू-5 सहसकरण यादव कहता है कि प्रार्थी अप्रार्थी-संस्थान में कार्य करता था लेकिन जब उससे जिरह की गई तो जिरह में वह कहता है कि मुझे नियुक्तिपत्र के बारे में ध्यान नहीं है। मेरे गांव में सत्यनारायण रहता है। मैंने सत्यनारायण का विभाग से सम्बन्धित कोई दस्तावेजात नहीं देखा। मैंने काम करते देखा है।

11. अप्रार्थी की ओर से एन. के. जोनवाल का शपथ पत्र पेश हुआ है। उसके चरण 2 में उसने कहा है कि उक्त अवधि में विभागीय कर्मचारियों में कोई भी सत्यनारायण नामक व्यक्ति हेल्पर के रूप में नहीं था। हमारा विभाग न तो दैनिक भोगी कर्मचारी रखता है और न मस्टर रोल पर रखने की कोई स्वीकृति है। दिनांक 9-9-02 को श्रीनगर में आर डी-60 मशीन थी ही नहीं और परियोजना बाद में शिफ्ट कर दी थी।

12. जब इस गवाह से जिरह की गई है तो जिरह में कहा है कि यह कहना गलत है कि सत्यनारायण को सितम्बर 2000 में नियुक्त किया हो और उसे एक वर्ष की अवधि तक रखा हो। यह भी कहना गलत है कि उसे 1500 रुपये मासिक भुगतान किया जाता हो। जब प्रार्थी को रखा ही नहीं तो हटाने का प्रश्न नहीं है। यह कहना गलत है कि चालक के रूप में प्रार्थी का बीमा करवाया हो।

13. उपरोक्त साक्ष्य के संदर्भ में मैंने प्रस्तुत नजीर 2007 (9) एस बी आर पेज-1 का अध्ययन किया तो उक्त नजीर में माननीय सर्वोच्च न्यायालय ने अवधारित किया है कि :-

“19. Industrial Dispute Act, 1947, Section 25-F Court's below erroneously holding that burden of proof of the respondent's having not worked for 240 days lies on the appellant. The burden lies on the workman to prove that he had worked for 240 days.”

14. उक्त नजीर के संदर्भ में प्रार्थी की ओर से कोई नियुक्ति पत्र पेश नहीं किया गया है। कोई कर्मचारी बीमा आदि का कार्ड पेश नहीं किया है। पी एफ की रसोद नहीं है। उपस्थिति व भुगतान बाबत कोई दस्तावेजात नहीं है स्थिति यहां तक है कि केन्द्र सरकार की ओर से प्रेषित विवाद के अनुसार दि. 30-11-05 से 240 दिन पूर्व निरंतर प्रार्थी अप्रार्थी संस्थान में कार्यरत था बाबत कोई दस्तावेजी साक्ष्य प्रार्थी ने पेश नहीं की है जुबानी साक्ष्य है वह अप्रार्थी संस्थान में बिना नियुक्ति पत्र व भुगतान आदि प्रमाणित किये अप्रार्थी की ओर से सक्षम अधिकारी के द्वारा प्रस्तुत किये गये सक्षम शपथ पत्र के संदर्भ में निश्चायक नहीं माना जा सकता है अतः साक्ष्य के अभाव में प्रार्थी क्लेम में वर्णित तथ्यों को प्रमाणित नहीं कर सका है और उपरोक्त विवेचन के आधार पर प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है और तदनुसार विवाद का उत्तर प्रेषित किया जाना उचित है।

आदेश

अतः प्रेषित विवाद का उत्तर निम्न प्रकार दिया जाता है कि प्रबंधन माइन्स इंजीनियर, माइन्स ब्यूरो अजमेर द्वारा श्री सत्यनारायण की सेवाएं दिनांक 30-11-05 से समाप्त किया जाना उचित है और प्रार्थी किसी अनुतोष पाने का अधिकारी नहीं है।

अवार्ड की प्रति नियमानुसार प्रकाशनार्थ राज्य सरकार को प्रेषित कर दी जावे।

अवार्ड आज दिनांक 29-10-09 को खुले न्यायालय में लिखवाया जाकर सुनाया गया।

मिथिलेश कुमार शर्मा, न्यायाधीश

नई दिल्ली, 8 दिसम्बर, 2009

का.आ. 57.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू. डी. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 03/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-2009 को प्राप्त हुआ था।

[सं. एल-42012/197/2001-आई आर (सीएम II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th December, 2009

S.O. 57.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 3 2003) of Central Government Industrial Tribunal-cum-Labour Court, Kanpur now as shown in the Annexure, in the Industrial Dispute between the management of CPWD and their workmen, received by the Central Government on 8-12-2009.

[No. L-42012/197/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desh Officer

ANNEXURE

BEFORE SRI RAM PARKASH, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 3 of 2003

BETWEEN

The General Secretary,
CPWD Mazdoor Union,
E-26, (Old Qtr)
Raja Bazar,
Baba Kharak Singh Marg,
New Delhi.

And

The Executive Engineer,
CPWD,
Central Civil Division No. 20)
20, Subhash Road,
Dehradun.

AWARD

1. Central Government, MOL, New Delhi vide its notification No. L-42012/197/2001/(IR(CM-II)) dated 4-2-2003, has referred the following dispute for adjudication to this tribunal—

“Whether the action of the management of CPWD in terminating the services of Sri Sushil Kumar Pal, Laman Singh, Anil Kumar, Rajender Kumar and Raj Kumar is legal and justified? If not to what relief they are entitled to?”

2. Brief facts are—

3. Applicants / claimants Sri” Laxmi Singh, Anil Kumar, Rajender Kumar and Raj Kumar filed their claim statement, alleging that these workmen were employed directly by the management of CPWD. When the workmen requested the management to regularize their services, the services of all the workmen referred herein above were terminated with effect from 15-2-01, without following the provisions of I.D. Act, 1947. The stand of the management is that the workmen were engaged through some contractor, but till date they have not disclosed the name of the contractor. “Neither the contractor obtained proper license nor the above management got registered themselves for employing contract labour, so the employing the above workmen and treating them a contract labour is against the provisions of Contract Labour (Regulation & Abolition) Act, 1970. It is alleged that each of the workmen have completed 240 days in each of the calendar year without break and all” the workmen have a continuous service under section 25-B of I. D. Act, 1947. These workmen though performing the same duty as were being performed by regular employee that is Mails, but they were denied the minimum wages as fixed by the government. The management did not discuss the employment of these workmen on contract basis as per settlement dated 15-11-89, and 5-09-86 with the Union and also violated their own instructions issued by the office of CPWD. Copy of the circular is annexed. Workmen were not” supplied any wage slip to them during their employment and no officers were authorized to present before the payment their wages by the above management as provided under section 21 of the Contract Labour Act and rules made thereunder. So the employment of these workmen showing them as a contract labour is sham and they are the direct worker of the above management. Management did not offer one month’s pay or notice as provided under Section 25F of the I. D. Act. After termination of these workmen some new persons were also engaged on the said work. Management with a view to deny these workmen a permanent status, they were treated as contract labour on a perennial nature of work, which is unfair labour practice as provided under 2(ra) of the Industrial Disputes Act, 1947. So all the workmen are entitled to be reinstated from the date of their termination i.e., 15-02-01, with full back wages and also equal pay for equal work.

4. Opposite party has filed the written statement. It is alleged by them that these applicants had never been engaged or appointed by the management of CPWD (Central Division No. II), Dehradun, and they have never been issued any appointment letter. The applicants may be engaged as a contract labour through the contractor and there were no relationship of workmen and employer. Applicants have also not made the contractor a party to the dispute. They have also not mentioned the name of the contractor. It is a time barred claim. It is alleged that the reference order, issued by the Central Government is bad in law, vague, incomplete and is ambiguous, without jurisdiction and not maintainable, as the applicants have not mentioned anything about their employment or the place of work done by them through the ‘contractor. It is alleged that no date of alleged termination specify in the reference order, therefore, reference is vague. Opposite party has totally denied the allegations of the claim statement. It is stated that question of termination of the services does not arise as the claimants were never engaged by the management. It is stated that as the applicants were never engaged working continuously for 240 days by them does not arise. It is stated that it is admitted position that alleged applicants might have been engaged by the contractors, therefore, on the face of it the alleged applicants does not have any case. It is stated that the provisions of Labour Laws quoted in the claim statement are not applicable to the applicants. It is stated that they have not caused any breach of the provisions of the Industrial Disputes Act, 1947. It is also stated that the claim is belated. Therefore, the opposite party has prayed that the claim statement filed by the applicants is mala fide, does not stand on facts and prayed for the rejection.

5. Claimants have also filed their rejoinder and have contradicted the contention raised by the management and reiterated their aversions. No new facts have been added.

6. Both the parties have filed oral as well as documentary evidence. Claimants have filed certain annexure along with the claim statement. Opp. Party management has filed photocopy of objections dated 17-08-01 filed by the management before the ALC and photocopy of objection dated 3-09-01 filed by the opposite party and other photocopies regarding failure report and other documents. They have also filed certain photocopies of judgments.

7. Workmen have moved an application for placing documents that is one settlement dated 05-09-86 signed between the management of CPWD and Mazdoor Union. Second Settlement dated 15-11-89. These settlements are on the file. There are photocopies of muster roll but not proved by anyone of the parties, so this tribunal cannot take the cognizance of these photocopies as not referred in the evidence and not proved.

8. Claimants have adduced in oral evidence as a witness w.w.1 Sri Sushil Kumar and another witness w.w. 2

Sri Laxaman Singh. Opposite party adduced in oral evidence Sri Jai Veer Singh as M.W.1 and Sri Sunil Kumar Rathi as M.W.2.

9. I have perused entire record oral as well as documentary, perused the statements of the witnesses carefully.

10. I have gone through the claim statement thoroughly. The workmen through union have mentioned the, date of termination with effect from 15-02-01, but in their whole claim statement they have nowhere mentioned when they were engaged or employed by the management of CPWD or by any contractor. They have also stated in paragraph 6 each of the workmen completed 240 dates in each of the calendar year without break, but nowhere mentioned that when they were engaged, no date year or month.

11. I have gone through the statement of w.w.1 Sri Sushil Kumar. Though his name is in the reference order but claim statement has not been filed on his behalf by the General Secretary of the Union as no relief has been claimed on his behalf. Now it is an important point whether his statement could be considered or not when he has not filed the pleadings before the tribunal now his statement can be considered. I think it is a serious lacuna. He stated that he was engaged on 2-07-97, but this fact has not been pleaded in the claim statement, which is a material omission, though there is an annexure filed along with the statement of claim but it appears to be a carbon copy and it has not been verified as the pleadings are supposed to be verified. He admitted in the cross that they were never given any appointment letter by the management and they themselves have not given any application for appointment and they have never been interviewed by the management. Therefore, the evidence of this witness is not reliable.

12. Now I am examining the evidence of w.w.2 Sri Laxaman Singh. He stated that he was employed on 15-06-96, but this material fact is not in the pleadings though the claimants have filed annexure A, which is a carbon copy, along with statement of claim. This cannot be a part of pleadings as it has not been verified in the shape of pleadings and the applicants could not tell the reasons why these material facts could not be mentioned in the claim statement specifically. Again I am taking the statement of w.w.1 who stated that he was employed on 2-07-97 but this annexure-A shows that he was engaged on 1-07-96, therefore, this annexure cannot be believed at all. W.W. 2 also admitted that they were never given any appointment letter and they themselves not moved any application for appointment. He admitted that they have come for roaming and were asked by Junior Engineer Sri Rathi to do work and they started working. They were never given any termination order in writing.

13. I have examined the evidence adduced by the opposite party. M.W. 2 who is a Section Officer, he stated

that he had been in the Dehradun Office since 1992 to 1998, the applicants Sushil Kumar Pal and others were never employed or engaged by the opposite party for any post. They were never given any appointment letter, they have never terminated the services of the applicants as they were never employed or engaged, they were never paid any salary or wages. For doing perennial nature of work they engage the services of Contractor and that work is being done through the contractor.

14. Therefore, from the evidence adduced and produced by the parties, I am of the view, that the workmen, had never been engaged or employed by the opposite party, therefore, the question of termination of the services does not arise though the reference is vague on this point as no date of termination has been shown in reference order.

15. I have also considered the point whether the applicants had worked with the opposite party or the contractor though the name of the contractor have not been mentioned by the applicants for 240 days in a calendar year. To prove these facts the burden lies on the applicants. Muster Roll which are photocopies has not been proved. There is no such documentary evidence from which I can infer that the workmen had worked with the opposite party for 240 days. Hence this point also is not proved.

16. I have also gone through the point whether opposite party has committed any breach of Section 25F or any other provisions of the Act. Applicants have failed to prove that they had been directly or indirectly employed or engaged with the opposite party. If they had been employed through contractor they should have informed the name of the contractor only then this Tribunal would have looked into the matter whether there was any breach of the provisions of Contract (Labour and Abolition) Act, 1970. On this point also the applicants cannot claim any relief.

17. For the reasons disclosed above, the reference is answered in negative against the Union and in favour of the opposite party, holding that the applicants referred to in the reference order are not entitled to get any relief. Reference is answered accordingly.

Date 1-12-2009

RAM PARKASH, Presiding Officer

नई दिल्ली, 10 दिसम्बर, 2009

का.आ. 58.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 25/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-42011/18/2006 आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 10th December, 2009

S.O. 58.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2006) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD and their workman which was received by the Central Government on 10-12-2009.

[No. L-42011/18/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE DR. R. K. YADAV PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, No. 1, NEW DELHI KARKARDOOMA
COURT COMPLEX, DELHI**

I. D. No. 25 of 2006

Shri Khachedu Khan, through
The General Secretary,
All India CPWD (MRM) Karmchari Sangathan,
House No. 4823, Gali No. 13, Balbir Nagar Extension,
Shahdara, New Delhi-110032.

...Workman

Versus

The Executive Engineer (E),
CPWD, Parliament Works Electrical
Division-2, Vidyut Bhawan,
New Delhi.

...Management

AWARD

Shri Khachedu Khan, son of Shri Gulsher Khan joined services with CPWD as Carpenter on muster roll w.e.f. 17-2-1982. He worked with the management as a highly skilled artisan. He rendered continuous service of 240 days in every calendar year. His services were regularized in the post of Carpenter w.e.f. 26-5-1990. He claimed regularization of his services from the date of his initial employment. When his demand was not accepted by the management, he raised an industrial dispute before the Conciliation Officer. Since conciliation proceedings came to an end, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No.L-42011/18/2006-IR(DU) New Delhi, dated 31-7-2006 with following terms :

“Whether the demand of the CPWD(MRM) Karmchari Sangathan for regularization of the services of the workman Shri Khachedu Khan, Carpenter, w.e.f. 17-2-82, by the management of CPWD, is legal and justified? If so, to what relief the workman concerned is entitled, and from which date. ?”

2. Corrigendum dated 14th March, 2007 was issued by the appropriate Government detailing therein that in the Schedule of the Order No.L-42011/18/2006-IR(DU) dated 31-7-2006, the words, “Shri Khachedu Khan, Carpenter shall be substituted with the words and figures Shri Khachedu Khan, Carpenter, in the pay scale of Rs.330-560/1200/2040/4000-6000”.

3. Claim statement was filed on behalf of the workman, pleading therein that he was employed by the management as daily rated workman from 17-2-82. The workman asserts that his services were regularized from 26-5-1990. He rendered 240 days continuous service with the management in every calendar year from the date of his employment till the date of his regularization. There are three wings under CPWD, viz. Electrical, Civil and Horticulture, where several daily rated workmen are employed by the management. The Apex Court in Surinder Singh's case [1986(1) SCC 639] gave a command to the management to regularize services of its daily rated workmen, from the date of their initial employment, who have put in six months of continuous service. Accordingly, Director General (Works) CPWD issued order dated 25-8-88 for regularization of muster roll employees. Horticulture wing of the management regularized service of its daily rated workmen by 7-12-88, while Electrical and Civil wings did not take any action in this behalf. The workman is covered under the provisions of the Payment of Gratuity Act, 1972 (in short the Act) and orders were issued in that regard by the management on 26-6-2006. Ram Khilari, a similarly situated workman, raised an industrial dispute and Industrial Tribunal, Government of NCT, Delhi, gave an award for regularization of his services from the date of his initial employment. Workman is eligible for regularization of services from the date of his initial employment. It has been claimed that the management may be commanded to regularize his services from the date of his initial employment.

4. Contest was given to the claim statement pleading therein that the workman was working on muster roll with the management and his services were regularized w.e.f. 26-5-90. His contention that he is eligible for regularization of his services from the date of his initial engagement, is false. The Apex Court in Surinder Singh's case (supra) never directed the management to regularize services of muster roll employees from the date of their initial employment. In compliance of the order handed down by the Apex Court, 8982 posts were created in September, 92 and thereafter all workers were regularized in services from prospective dates and not from the date of their initial engagement. In various precedents Apex Court ruled that employees selected on daily wages nowhere automatically become regular from the date of their initial employment, even if they perform duties similar to the regular employees. The workman cannot claim regularization from a back date. When vacancy was available for him, his services were

regularized. It has been projected that his claim for regularization from the date of his initial employment is false.

5. On 15-9-09 none responded on behalf of the management. The Tribunal was constrained to proceed with the matter under Rule 22 of the Industrial Disputes (Central) Rules 1957. Testimony of Khachedu Khan was recorded. No other witness was examined on behalf of the workman.

6. Shri Satish Kumar Sharma A/R advanced arguments on behalf of the workman. None was there to advance arguments on behalf of the Management. I have given my careful consideration to the arguments advanced at the bar and cautiously perused the record. My findings on issues, involved in the controversy are as follows:

7. Shri Khan had testified that he joined services of the management as muster roll Carpenter on 17-2-82 he was working under Executive Engineer, G Division of CPWD. His services were regularized as Carpenter on 26th of May, 90. He was told by his officers that his services could be regularized on completion of 2 years of continuous service in 1984. He wrote to his officers through his union for regularization of his services. On 4th of July, 1988 an order was issued by the Director General, CPWD, copy of which is Ex.WW1/1. On 25-8-88 another order was issued by Director General (Works) CPWD, copy of which is Ex.WW1/2. On 30-12-03 a seniority list was issued by Directorate of Horticulture, CPWD, copy of which is Ex.WW1/3. He claimed regularization of his services on the basis of the orders referred above.

8. As testified by Shri Khachedu Khan he claims regularization of his services in pursuance of order Ex.WW1/1 and Ex.WW1/2. I have perused the order Ex.WW1/1, wherein it has been mentioned that muster roll workers, who have rendered 240 days service each in two consecutive years in a higher category may be regularized in the higher category even if they have worked in the lower category for sometime, subject to the condition that service rendered in lower category would not be considered for the purpose of seniority or for any other purpose and further subject to the condition that an option should be taken from the concerned muster roll worker at the time of his absorption in the lower/higher category of work charged establishment and such of those who opt for absorption in the lower category may be allowed to do so. Therefore, order Ex.WW1/1 makes it clear that a muster roll worker who had rendered 240 days service each in consecutive two calendar years in a higher category may be regularized in that category. Regularisation of such a worker is subject to availability of a vacant post.

9. Order Ex. WW1/2 speaks that the steps are to be taken in pursuance of the advise rendered by the Apex Court in Surrender Singh's case (1986 SC.C. 639).

Government of India had laid guidelines for muster roll employees. As per the guidelines laid, the work which cannot be entrusted to regular employees, for those situations posts are to be created with concurrence of the Finance Ministry. As per facts projected by various Chief Engineers, and Divisional Heads 12440 muster roll employees are to be regularized. Department of Personnel and Training has instructed to regularize the services of such persons by 7th of December, 88. All Divisional Heads were instructed to check records of Muster roll employees, who were to be regularized. They were further advised to administer trade test and prepare records in respect of posts for which regular vacancies were to be created. Therefore, as per order Ex. WW1/2 steps were to be taken for creation of post for regularization of 12440 muster roll employees. It is not disputed on behalf of the workman that 8982 posts were created by the Government of India in September, 92 for regularization of muster roll employees, in pursuance of advice given by the Apex Court in Surrender Singh's case (supra).

10. It is not the case of the workman that his seniority made him eligible for regularization when 8982 posts were created by the Government of India. Though seniority list Ex. WW1/3 has been proved by the workman, yet he could not project that he was senior enough to be regularized against the posts created by the Government of India in September, 92. Thus it is evident that the workman could not show that he was senior enough and his seniority made him eligible for regularization of the job against the posts created by the Government of India, in pursuance of the directive given by the Apex Court in Surrender Singh's case (supra). Consequently, it is evident that the workman has not been able to project that there was a vacancy prior to 20-5-90 for regularization of his services as Carpenter. When there was no vacancy prior to 26-5-90 claim of the workman for regularization of his services had not matured. Therefore, it does not lie in the mouth of the workman to present that his services ought to have been regularized on completion of two years of continuous services, in pursuance of the circular Ex. WW-1/1.

11. Circular No. 29/77/2000-ECX, New Delhi, dated 26-6-2006 was issued by the Director General (Works), CPWD, in respect of payment of gratuity to its casual, hand receipt and muster roll workers under the Act. The said circular makes it clear that the matter was examined in consultation with the Ministry of Urban Development and Ministry of Labour and it was clarified that the Act is applicable to casual, muster roll, hand receipt and daily rated workers of the CPWD. Consequently all ADVs, CS, SCS, S.C. Coordination Executive Engineer, Directorate of Horticulture, Additional Directorate of Horticulture Deputy Director of Horticulture, All Deputy Welfare Labour Commissioners and Assistant Labour Welfare Commissioners were requested to make payment of gratuity to casual muster roll, hand receipt and daily rated workers of CPWD as admissible under the Act.

It was further mentioned therein that the current/pending court cases on the similar issue may be defended or got settled accordingly. Therefore, it is evident that the management admits the claim of all casual muster roll, hand receipt or daily rated workers of the CPWD for payment of gratuity under the Act.

12. Whether service rendered by the workman, which was paid from contingency, can be counted towards pension? For an answer, provisions of CCS Pension Rules, 1972 (in short the Rules) are to be considered. Rule 14 of the said Rules makes provision in that regard. It emerge out of the provisions of Rule 14 that periods of service paid from contingencies do not count as qualifying service for pension. However Government of India took a decision in May, 1968 and an office memorandum was issued on 14-5-1968, wherein it is detailed that in some cases, employees paid from contingencies, employed in types of work requiring services of whole-time workers and are paid on monthly rates of pay or daily rates computed and paid on monthly basis and on being found fit brought on to regular establishment. The question whether in such cases service paid from contingencies should be allowed to count for pension and if so to what extent has been considered in the National Council and in pursuance of the recommendation of the Council, it has been decided that half the service paid from contingencies will be allowed to count toward pension at the time of absorption in regular employment subject to the following conditions, viz,-

(a) Service paid from contingencies should have been, in a job involving whole-time employment (and not part-time for a portion of the day).

(b) Service paid from contingencies should be in a type of work or job for which regular posts could have been sanctioned, e.g., malis, chowkidars, khalasis, etc.

(c) The service should have been one for which the payment is made either on monthly or daily rates computed and paid on a monthly basis and which though not analogous to the regular scale of pay should bear some relation in the matter of pay to those being paid for similar jobs being performed by staffs in regular establishments.

(d) The service paid from contingencies should have been continuous and followed by absorption in regular employment without a break.

(e) Subject to the above conditions being fulfilled, the weightage for past service paid from contingencies will be limited to the period after 1st January, 1961 for which authentic records of service may be available. Reference can be made to office memorandum No. G.I., M.F., O.M.No.12(1)-EV/68, dated the 14th May, 1968.

13. Here in this case it is not a matter of dispute that the workman, who was paid from contingencies, was performing whole time job with the management since the date of his appointment. His services were regularized on the 2-4-93. He performed functions analogous to regular employees till the date of his regularization. His services

with the management were continuous without any break. He satisfied all the conditions laid down in the aforesaid office memorandum issued by the Govt. of India. Hence, the management is under an obligation to comply the said office memorandum and count service of the workmen for the purpose of pension.

14. In view of the fact that contest was given up by the workman for regularisation of his services from date of initial employment and the management is under obligations to comply the aforesaid circular and the Rules, it is expedient to command the management to record services rendered by Khachedu Khan as muster roll employee in his service book, which services would be taken into account for payment of gratuity under the Act, at the time of his superannuation or death, as the contingency arise as well as for calculation for qualifying service for Pension Rules 1972. An award is accordingly passed. It may be sent to the appropriate Government for publication.

Dated 13-11-2009 Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 10 दिसम्बर, 2009

का.आ. 59.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व्हिकल फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एलसी/आर/105-2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2009 को प्राप्त हुआ था।

[सं. एल-40011/5/2002-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 10th December, 2009

S. O. 59.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/105/2002) of Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Vehicle Factory and their workman, which was received by the Central Government on 10-12-2009.

[No. 1-40011/5/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/105/2002

Presiding officer : Shri Mohd. Shakir Hasan

Shri B. Guha Thakurta,
General Secretary,
Vehicle Factory Mazdoor Union,
Qr. No. 2200, Post V.F.J. Estate,
Jabalpur

Workman/Union

Versus

The General Manager
Vehicle Factory,
Jabalpur ...Manager

AWARD

Passed on this 25th day of November, 2009

1. The Government of India Ministry of Labour *vide* its Notification No. L 40011/5/2002/-IR(DU) dated 8-7-2002, has referred the following dispute for adjudication by this tribunal—

“Whether the action of the management of Vehicle Factory, Jabalpur in not giving equal pay for equal work to the workmen (list enclosed) from the date of their engagement and not regularizing their services is justified? If not to what relief workman is entitled to?”

2. The Ministry of Labour, Government of India, New Delhi *vide* even number dated 6-9-2002 sent the list of 28 workmen as it was brought to the notice of the Ministry that list of the workmen has not been received with adjudication order of even number dated 8-7-2002.

3. The case of the Union in short is that the applicant is a Trade Union under the provision of Trade Union Act, 1926 bearing registration No. 229. It is stated that all the workmen were engaged between the period of 1985 to 1989 but *vide* order dated 25-5-1992 the services of these workmen were terminated by the management. The Industrial dispute was raised by the Union. The appropriate Government referred a reference to the Tribunal which was registered as Case No. CGIT/LC/R/12/94. The said reference was decided and an award dated 27-7-1997 was passed. It was held that termination of the workmen dated 25-4-1992 was illegal and accordingly it was set aside. It was also directed that the workmen shall be deemed to be in continuous service alongwith wages and allowances from 25-4-1992. The management preferred writ petition bearing WP No. 5334/99 before the Hon'ble High Court challenging the said award. The writ petition was also dismissed by the Hon'ble High Court on 13-12-1999. Thereafter the management reinstated the workmen in February, 2000.

4. The further case of the Union is that the workmen are working continuously for more than a decade and are working the duties of safaiwala. They are performing the similar nature of duties which is being performed by a regular safaiwala/sweeper. They are getting Rs. 60.70 wages per day whereas the regular safaiwala/sweeper are getting the pay scale of Rs. 2550-3200 and allowance. Since they are performing the same duties, there is no justification in not paying wages to these workmen at par with the regular safaiwala. It is stated that the action of the management in not giving them permanent status and salary is bad in law.

They are entitled the same remuneration on the principle of equal pay for equal work which is the mandate of the Constitution of India under Article 39(d) read with Article 14 of the Constitution of India and it tantamount to unfair labour practice. Under the circumstances, the reference be answered in favour of the Union.

5. The management also appeared and contested the reference by filing Written Statement. The case of the management, *inter alia*, is that the workmen were employed purely on daily wages commencing from the time they came on duty and ending at the end of the day. They were engaged without following the proper procedure of recruitment and without fulfilling the statutory recruitment rules when their services were not required, their services were disengaged in the year 1992. The workmen admittedly challenged the action of the management and an award was passed by the Tribunal directing to reinstate them alongwith payment of back wages. The management challenged the award before the Hon'ble High Court but the same was also dismissed. Thereafter the workmen were reinstated on 23-2-2000 except one Shri Nandlal whose identity was not established. The workmen were reinstated on the same job and no same nature of engagement. The workmen have again raised another dispute for equal wages at par with regular workers and for their regularization. They are now engaged on the same terms and conditions on casual basis on the wages approved by the Competent authority from time to time. The regular employees are required to fulfill statutory requirements before they are employed on regular basis on regular salary. These workmen are employed on casual and daily wages without complying the requirements of recruitment rules. They are not employed on regular basis on any regular posts. As such they are not entitled to any wages equal to the regular employees and the same is against the settled law.

6. The further case of the management is that the engagement of the workmen is purely on casual and daily wage basis. The engagement is only when the job is available. It is admitted that they are engaged continuously because of compelling circumstances. The management was constrained to engage them in view of the award passed in their favour. It is stated that there is a complete ban on direct recruitment as imposed by the Government on economic reform to reduce the non-plan expenditure. When the management is able to resort to direct recruitment, the present workmen can also compete for regular employment provided they fulfill the minimum requirement. Under the circumstances, the demands of workmen/Union are liable to be dismissed.

7. On the basis of the reference and pleadings of the parties, the following issues are for adjudication—

- I Whether the action of the management of Vehicle Factory, Jabalpur in not giving equal

pay for equal work to the workmen from the date of their engagement is legal and justified?

II Whether the action of the management for not regularizing their services is legal and justified?

III To what relief the workman is entitled?

8. Before discussing the evidence to determine the points for consideration, it is proper to find out the admitted facts. The following facts are admitted—

1. The workmen were engaged by the management between the period of 1985 to 1989.
2. They are once terminated by the management vide order dated 25-5-1992.
3. The termination order of the management was challenged and a reference of the Ministry was registered as Case No. CGIT/LC/R/12/94 by the Tribunal.
4. The said reference was decided and award dated 27-7-1997 was passed in favour of the workmen whereby it was directed to reinstate with back wages.
5. The management preferred a writ numbered as WP. No. 5334/99 before the Hon'ble High Court of MP, At Jabalpur.
6. The said writ was dismissed on 13-12-1999 by the Hon'ble High Court.
7. The management reinstated the workmen on 23-3-2000.
8. These workmen are doing the same job and similar nature of duties as are being done by regular safaiwalas/sweepers.
9. These workmen are getting daily wages whereas regular safaiwalas/sweepers are getting regular pay scale.
10. These workmen are engaged as casual labour but are working continuously whereas the regular employees are appointed after following the recruitment rules.

9. Now let us examine the evidence adduced by the parties in the case. The Union has examined two witnesses and has also filed documents. Shri Narendra Kumar is a workman and was appointed on 12-11-89 as safaiwala on daily wages. He has stated that the management had terminated 28 workmen, whose list is annexure A/3, on 25-4-92. This fact is admitted by the management. He has stated that he was reinstated in March, 2000 and these workmen are doing the same job as of permanent regular employees. In cross-examination, he has stated that out of

28 workmen, only 25 workmen are working at present. Krishna Kant and Ganesh had left the work since five year and Nandlal is not working since 1999. This shows that only 25 workmen are continuing in the service of the management. He has further stated that his name was asked from the Employment Exchange by the management and he was interviewed. The evidence of the witness shows that his work is of permanent nature and the management need their services.

10. Another witness Laxman Prasad is another workman who is examined in the case. He was initially appointed on 7-7-1983 as safai karmchari on daily wages. He was also terminated on 25-4-92 and was again reinstated in March 2000. He has also supported that his work is not different from the regular safai karmchari and is entitled for the same pay. He has stated that it shows that the management is in need of these workmen for the alleged permanent nature of job. There is nothing in the evidence of these two witnesses to disbelieve them. Their evidence clearly shows that they are doing the same nature of job as the regular employees are doing and the jobs are of permanent nature. Moreover continuation of service from 1985/89 to 1992 and thereafter from 23-3-2000 till date show that the management is in need of their services which of permanent nature.

11. The Union has filed certain documents which appear to be admitted documents. Annexure A/1 is the present reference order. Annexure A/2 is petition filed by the Union before the Asstt. Labour Commissioner. This is filed to show that the Union had raised the dispute that this tantamounts to unfair labour practice and victimization of the workmen. Annexure A/3 is the list of workmen which is also alongwith the reference order. Annexure A/4 is the notification and award dated 27-7-1999 passed by the then Tribunal in the aforesaid earlier reference. Annexure A/5 is the extract of the order of the Hon'ble High Court passed in W.P. No. 5334/99 whereby the Hon'ble High Court dismissed the writ challenging the earlier award by the management. These all appear to be admitted facts. As such, it needs no discussion.

12. On the other hand, the management has also examined oral evidence. Shri Sandeep Jain is working as Works Manager in Vehicle Factor, Jabalpur. He has stated in his evidence that these workmen are safaiwala/sweeper purely on casual and daily wages by the Factory Management as per the order of this Hon'ble Tribunal. They are not employed against any regular post. They are only for 29 working days at a stretch and a total of maximum 240 days in a year. He has stated that the Union raised dispute of regularization on regular posts on the ground that they are employed on casual basis since long back. The posts of sweeper/safaiwala are filled as and when the sanction is accorded by Government and based

on the recruitment rules. He has further stated that there is complete ban on fresh appointment in any posts except with prior permission. The management has not filed a single paper to show there is ban on fresh appointment. In cross-examination he has stated that in the year 1982, there was need of safaiwala and therefore they are engaged on work. They are paid wages after completion of 29 days. This shows that they are not paid daily on daily basis. He has also admitted in his evidence that regular sweeper and these workers are doing the same job and there are 143 sanctioned posts of sweepers and only 77 regular sweepers are working. This clearly shows that there are vacant posts and there is need of work of permanent nature.

13. To sum up the entire evidence, it is clear that they are continuously engaged on casual basis. It is also clear that the posts of sweepers/safaiwala are available in Vehicle Factory and these workers have been kept on casual and temporary basis for years without giving the opportunity of permanency.

14. The learned counsel for the workmen/Union submits that this is unfair labour practices. Section 2(rā) of the Industrial Dispute Act, 1947 reads as follows :—

“unfair labour practice means any of the practices specified in the Fifth Schedule.”

The fifth Schedule-I (10) reads as follows :—

“To employ workmen as “badlis” , casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen.”

It is urged that in Schedule IV, item b of Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 (in short MRTU and PULP Act) the same provision is laid down. The Schedule IV item 6 of MRTU and PULP Act runs as follows-

“6. The employ employees as “badlis” , casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent employees.”

It is submitted that evidence on record clearly shows that there are posts vacant and the workmen are being continuously engaged for years. Their jobs are also of permanent nature as of regular employees. Thus there is need of the workmen to the employer. This is evident that there is unfair labour practice. The learned counsel has relied the case law of Maharashtra State Road Transport Corporation and another versus Casteribe Rajya Parivahan Karamachari Sanghatan reported in (2009) 8 S.C.C. 556. The paras are reproduced below of the Hon'ble Apex Court's judgment.

Para-30- The question that arises for consideration is: have the provisions of the MRTU and

PULP Act been denuded of the statutory status by the Constitution Bench decision in Umadevi? In our judgment, it is not.

Para-31- The purpose and object of the MRTU and PULP Act, interalia, is to define and provide for prevention of certain unfair labour practices as listed in Schedules II, III and IV. The MRTU and PULP Act empowers the Industrial and Labour Courts to decide that the person named in the complaint has engaged in or is engaged in unfair labour practice and if the unfair labour practice is proved, to declare that an unfair labour practice has been engaged in or is being engaged in by that person and direct such person to cease and desist from such unfair labour practice and take such affirmative action (including payment of reasonable compensation to the employee or employees affected by the unfair labour practice, or reinstatement of the employee or employees with or without back wages, or the payment of reasonable compensation), as may in the opinion of the court be necessary to effectuate the policy of the Act.

Para-33- The provisions of MRTU and PULP Act and the powers of the Industrial and Labour Courts provided therein were not at all under consideration in Umadevi. As a matter of fact, the issue like the present one pertaining to unfair labour practice was not at all referred to, considered or decided in Umadevi. Unfair labour practice on the part of the employer in engaging employees as badlies, casuals or temporaries and to continue them as such for years with the object of depriving them of the status and privileges of permanent employees as provided in Item 6 of Schedule IV and the power of the Industrial and Labour Courts under Section 30 of the Act did not fall for adjudication or consideration before the Constitution Bench.

Para-34- It is true that Dharwad distt. PWD Literate Daily Wages Employees association arising out of industrial adjudication has been considered in Umadevi and that decision has been held to be not laying down the correct law but a careful and complete reading of the decision in Umadevi leaves no manner of doubt that what this Court was concerned in Umadevi was the exercise of power by the High Courts under Article

226 and this Court under Article 32 of the Constitution of India in the matter of public employment where the employees have been engaged as contractual temporary or casual workers not based on proper selection as recognized by the rules or procedure and yet orders of their regularization and conferring them status of permanency have been passed.

Para-35- Umadevi is an authoritative pronouncement for the proposition that the Supreme Court and the High Courts should not issue directions of absorption, regularization or permanent continuance of temporary, contractual, casual, daily wage or adhoc employees unless the recruitment itself was made regularly in terms of the constitutional scheme.

Para-36- Umadevi does not denude the Industrial and Labour Courts of their statutory power under Section 30 read with Section 32 of the MRTU and PULP Act to order permanency of the workers who have been victims of unfair labour practice on the part of the employer under Item 6 of Schedule-IV where the posts on which they have been working exist. Umadevi cannot be held to have overridden the powers of the industrial and Labour Courts in passing appropriate order under Section 30 of the MRTU and PULP Act, once unfair labour practice on the part of the employer under Item 6 of the Schedule IV is established.

Para-44- In view of the findings recorded by the Industrial Court, Thane as well as Industrial Court, Bombay, it can be safely held that the posts of cleaners exist in the corporation. No factual foundation has been laid by the corporation that the post of cleaners do not exist in the corporation, rather the evidence on record reflects otherwise.

Para-48- Seen thus, the direction of giving status, wages and all other benefits of permanency applicable to the post of cleaners to the complainants, in the facts and circumstances, is justified and warrants no interference, Question 1 is answered accordingly.

Thus it is clear that this case is also identical to the case referred above. It is proved that the workmen are being employed with the object of depriving them of the status and privileges of permanent workmen.

15. The learned counsel for the management submits that the workmen are engaged continuously because of compelling circumstance. Their services were no more required and had been terminated but because of quashing the termination on judicial intervention, the management was constrained to re-engage them on the same nature of job on which they were employed. I do not agree with this view of the learned counsel for the management. The award was passed because without complying the provision of Section 25-F of the Industrial Dispute Act, 1947, the workmen were terminated. After reinstatement, the workmen are still continuing in the job. This itself shows that the management are still requiring the services of these workmen.

16. It is also on behalf of the management that these workmen are not entitled on the principle of equal pay for equal work. These workmen are not appointed after following the due procedure of selection as provided in the recruitment rules. The learned counsel for the management has referred the case law of Uma Devi and others reported in (2006) 4 S.C.C.1. This case law is explained and distinguished by the Hon'ble Apex Court in Maharashtra State Road Transport Corporation and another versus Casteribe Rajya Parivahan Karamchari Sangathan. The learned counsel for the management has also referred the decision of State of H.P. and another versus Ravinder Singh reported in 2009 AIR SCW 452 and Accounts Officer and others versus K.V. Ramana & others reported in A.I.R.S.C. 1166. These case laws are relied on Uma Devi's case (Supra).

17. The learned counsel for the management also referred decisions reported in (2003) 1 S.C.C. 250 State of Orissa and others versus Balram Sahu and others and (2003) 6 S.C.C. 123 State of Haryana and others versus Tilak Raj and others. These case laws are not applicable in the instant case. In the instant case, it is established that there was unfair labour practices as in Schedule V-I(10) of the Industrial Dispute Act. Thus on the basis of the discussion made above, it is directed that these workmen are entitled to get the wages and all other benefits of permanent employees applicable to the posts of Sweeper/Safaiwala from the date of award. The management is further directed to accord permanency to the workmen affected by such unfair labour practice. Accordingly the issues are decided and the reference is answered.

18. In the result, the award is passed without any order of costs.

19. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2009

का.आ. 60.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जम्मू एण्ड काश्मीर बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 166/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-09 को प्राप्त हुआ था।

[सं. 12012/157/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 15th December, 2009

S.O. 60.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 166/2003) of Central Government Industrial Tribunal-cum-Labour Court No.-1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of Jammu and Kashmir Bank Ltd. and their workmen, received by the Central Government on 15-12-2009.

[No. L-12012/157/2003-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. No. 166/2003

Shri Jan Mohammed Shera S/o Shri Ab. Gani Shera,
R/o Saidakadal, Srinagar (J&K) ...Applicant

Vs.

- (1) The Chief Manager Personnel,
Personnel Department Corporate Headquarters,
Maulana Azad Srinagar, Kashmir
- (2) The Chairman, Jammu & Kashmir Bank Ltd.,
Central Office, M.A. Road, Near TRC,
Srinagar (J & K) ... Respondents

APPEARANCES

For the Workman : Workman in person
For the Management : None

AWARD

Passed on 2-12-2009

Government of India vide notification No. L-12012/157/2003-IR (B-1) dated 22-8-2003 referred the following industrial dispute under Section 10 of the Industrial Disputes Act, 1947 (the Act in short) for adjudication to this Tribunal :—

“Whether the action of the management of Jammu and Kashmir Bank Limited, Central Office, Maulana Azad Road Near TRC, Srinagar Rambagh, Srinagar through its Chairman in terminating the services of Shri Jan Mohammed Shera, Peon-cum-Watchman w.e.f. 1-1-1998 without complying with the provisions of Section 25-F, 25-G, 25-H, Industrial Dispute Act was just, fair and legal? If not, what relief he is entitled to and from which date?”

I have gone through the pleadings and evidence adduced by the parties in this case. The validity of termination order dated 1-01-98 is to be decided on the basis of the provisions under Section 25F, 25G and 25H of the Act.

The case in nut-shell is that there was an allegation of embezzlement of Rs. 70,000 against the workman and the workman deposited the same on the basis of his admission. The admission for embezzlement and depositing of Rs. 70,000 is not disputed in repeated paras of statement of claim. It is admitted by the workman that he admitted the allegation of embezzlement of Rs. 70,000 and he deposited the same in the bank. He questioned the free will; consent and opportunity to admit and deposit the amount.

It is also admitted that no detailed enquiry was conducted by the management and on the basis of the confessional statement coupled with the act of the workman depositing Rs. 70,000 in sundry account of the bank, charge was held to be proved and after holding the guilt of the act of the workman punishment was awarded.

Thus, the question before this Tribunal is whether the admission made by the workman was voluntary?

It is hereby made clear that departmental proceedings and the proceedings before the Administrative Tribunals have different procedure to prove the charge. These proceedings cannot be compared with the proceedings before the Civil Courts or the criminal courts. In Criminal Courts it is the settled law of criminal jurisprudence that prosecution has to prove the guilt of the accused beyond any shadow of doubt, whereas, probability or preponderance is the main criteria in the civil dispute. In service matters, meaning thereby, the departmental proceedings and the proceedings before the Tribunal provisions of Cr. P.C., C.P.C. and Indian Evidence Act, are not applicable. The proceedings have to commence on the basis of equity, justice and good conscious. It entirely depends on the discretion of the enquiry officer in the disciplinary proceedings and on the discretion of the Presiding Officer of the Tribunal, in the proceedings pending adjudication before the Tribunal. The grievances of the workman have to be answered to deliver justice. For justice delivery certain settled principles of law have to be taken into consideration by the Tribunal.

Regarding departmental proceedings and proceedings before the Tribunal, Hon'ble Mr. Justice

Krishan Ayar, the eminent jurist and profounder of the social justice concept in India has held that there should be no allergy even to the here say evidence in departmental proceedings and proceedings before the administrative Tribunals, if it has credibility and nexus with the misconduct alleged to be committed.

In this reference, admission by the workman is not disputed. He deposited Rs. 70,000 allegedly to be misappropriated is also not disputed. Dispute is voluntary nature of admission and Act of the workman depositing Rs. 70,000 in the account of the bank. Once a workman has admitted the charge, it shall be considered to be genuine and free of any corrosion and pressure unless and until not proved otherwise. Justice, equity and good conscious requires that even if the circumstantial evidence is sufficient to create a shadow of doubt on the nature of the admission and act of the workman to deposit the amount consequent to his admission, the Tribunal should not hesitate to do justice. But the workman has to prove those circumstances which lead his admission not voluntary and act of depositing Rs. 70,000 free of coercion and pressure. I have gone through the entire materials on record. There is a lengthy statement of the workman and the witness of the management on record. I have gone through the statement recorded and documents filed.

The management has also prayed that if the act of the admission by workman and depositing Rs. 70,000 in the account of the bank in consequent to his admission is not held to be free by this Tribunal, opportunity for holding the enquiry should be given. This Tribunal is also empowered by law to hold the enquiry in case the enquiry has not been proper and fair. At the cost of the repetition there has been no enquiry and the workman was punished on the basis of the admission and depositing Rs. 70,000 in the sundry account of the bank. The witness of the management has rightly stated that there was no need of the enquiry, if the workman has voluntarily admitted the charge and consequent to his admission has deposited Rs. 70,000 in the sundry account of the bank. I am unable to trace out those suspicious circumstances from the evidence of the workman to create any shadow of doubt on his free consent to admit the charge/allegation. One of the circumstance is that to payment himself from any police action workman admitted the misconduct and deposited Rs. 70,000. It may be a good cause if coupled with some circumstances that workman was compelled by any circumstances created by the management of the bank to admit the acquisition of charge and depositing Rs. 70,000. But on the basis of this sole factor no decision on the voluntary nature of the admission and deposition of the amount can be taken because such circumstances are double edged weapon.

Thus, on the basis of the above observation, I am of the view that workman has fail to prove the circumstances before this Tribunal which leads his admission doubtful

and create a shadow of doubt on voluntary depositing an amount of Rs.70,000 which was allegedly to be misappropriated/embezzled by the workman. The reference is accordingly answered. In my view the workman is not entitled to any relief. On perusal of all the materials on record, I am of the view that workman voluntarily admitted the charge and had deposited Rs. 70,000 in the bank in consequent to his admission. This admission coupled with the act of the workman depositing an amount of Rs. 70,000 is a credible circumstance which has nexus with act of the workman embezzling an amount of Rs. 70,000. Thus, no enquiry was required in the departmental proceedings or the proceedings before this Tribunal and the evidence which was before the enquiry officer was sufficient to hold the workman guilt and he was rightly awarded the punishment of termination from the services. Hence, the reference is answered as such. Let Central Government be informed for publication of award, and thereafter, file be consigned to record room.

G.K. SHARMA, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 2009

का.आ. 61.—जबकि मैसर्स राय एण्ड सन्स प्राईवेट लिमिटेड [दिल्ली (उत्तर) क्षेत्र में कोड संख्या डीएल/1108 के अंतर्गत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट नियमों की तुलना में कम हितकर नहीं हैं और कर्मचारी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार, एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 30-4-1962 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/37/2009-एसएस-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 11th December, 2009

S.O. 61.—Whereas M/s. Rai & Sons Private Limited [under Code No. DL/1108 in Delhi (North) Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of section

17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 30-04-1962 until further notification.

[No.S-35015/37/2009-SS-II]

S.D. XAVIER, Under Secy.

नई दिल्ली, 15 दिसम्बर, 2009

का.आ. 62.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथासंशोधित 1987) के नियम 10 के उप-नियम (4) के अनुसरण में, श्रम और रोजगार मंत्रालय के प्रशासकीय नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके न्यूनतम 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :

क्र. सं.	कार्यालय का नाम
1.	क्षेत्रीय कार्यालय, कर्मचारी राज्य बीमा निगम, जम्मू
2.	क्षेत्रीय कार्यालय, उप-मुख्य श्रमायुक्त (केन्द्रीय) कार्यालय, बंगलौर

[सं. ई-11017/1/2006-रा.भा.नी.]

के. एम. गुप्ता, आर्थिक सलाहकार

New Delhi, the 15th December, 2009

S.O. 62.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 (as amended 1987) the Central Government hereby notifies following offices under the administrative control of the Ministry of Labour & Employment, at least 80% Staff whereof have acquired working knowledge of Hindi :—

Sl.No. Name of the Office

1. Regional Office, ESIC, Jammu
2. Regional Office, Office of the Deputy-Chief Labour Commissioner (Central), Bangalore

[No.E-11017/1/2006-RBN]

K.M. GUPTA, Economic Advisor

नई दिल्ली, 15 दिसम्बर, 2009

का.आ. 63.—जबकि मैसर्स वार्डक्स फार्मास्यूटीकल्स प्राईवेट लिमिटेड [कोलकाता क्षेत्र में कोड संख्या डब्ल्यूबी/15935 के अंतर्गत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट नियमों की तुलना में कम हितकर नहीं हैं और कर्मचारी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार, एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 1-6-1979 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/11/2009-एसएस-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 15th December, 2009

S.O. 63.—Whereas M/s. Wardex Pharmaceuticals Private Limited [under Code No. WB/15935 in Kolkata Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 1-6-1979 until further notification.

[No. S-35015/11/2009-SS-II]

S.D. XAVIER, Under Secy.

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 64.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जनवरी, 2010 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 [44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है] अध्याय-5 और 6 (धारा-76 की उप-धारा(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध आंध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

1. आंध्र प्रदेश राज्य के कृष्ण जिले के इब्रहीमपट्टणम् मण्डल में स्थित इब्रहीमपट्टणम्, एलप्रोलु, गूडूरुपाडु, गंटुपल्लि, तुम्मलपालेम, जूपूडि, मल्कापुरम, कट्टुबडिपालेम राजस्व गांव के अंतर्गत आने वाले सभी क्षेत्र ।
2. आंध्र प्रदेश राज्य के कृष्ण जिले के जी. कोण्डूरु मण्डल में स्थित कोडलूरु, पिनपाका, जी. कोण्डूरु तथा गड्डमणुगु राजस्व गांव ।

[संख्या एस-38013/47/2009-एस.एस.1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 16th December, 2009

S.O. 64.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2010 as the date on which the provisions of Chapter-IV (except Section 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely:—

1. "ALL THE AREAS FALLING WITHIN THE REVENUE VILLAGES OF IBRAHIMPATNAM, ELAPROLU, GUDURPADU, GANTUPALLY, TUMMALPALEM, JUPUDI, MALKAPURAM, KATTUBADI-PALEM OF IBRAHIMPATNAM MANDAL IN KRISHNA DISTRICT OF ANDHRA PRADESH."

2. REVENUE VILLAGES OF KOWLURU, PINAPAKAM, G. KONDURU AND GADDAMANUGU OF G. KONDURU MANDAL IN KRISHNA DISTRICT OF ANDHRA PRADESH.

[No. S-38013/47/2009-S.S.I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 65.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1 चंडीगढ़ के पंचाट (संदर्भ संख्या 47/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-2009 को प्राप्त हुआ था ।

[संख्या एल-12012/218/2002-आई.आर. (बी. 1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th December, 2009

S.O. 65.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/2003) of Central Government Industrial Tribunal-Cum-Labour Court-I, Chandigarh as shown in the Annexure, in the industrial dispute between the management of State Bank of Patiala and their workmen, received by the Central Government on 16-12-2009.

[No. L-12012/218/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. No. 47 of 2003.

Shri Kasturi Lal S/o Late Sh. Laik Ram, Ward No. 13, Near City Police Station, Kurali, Distt. Ropar (Punjab)

....Applicant

Vs.

- (1) The Assistant General Manager, State Bank of Patiala, Z.O. S.C.O. 99-100, Sector 8/C, Chandigarh.
- (2) The Managing Director, State Bank of Patiala, The Mall, Patiala.

APPEARANCES

For the Workman : Sh. B. N. Sehgal
For the Management : Sh. N. K. Zakhmi

AWARD

Passed on 23-11-2009

Government of India, Ministry of Labour, *vide* notification No. L-12012/218/2002-IR (B-I) dated 24/31-12-2002, by exercising its powers under Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of the of the State Bank of Patiala in awarding the punishment of dismissal from services of Shri Kasturi Lal S/o Late Sh. Laik Ram, Ex-Clerk-cum-Cashier w.e.f. 2-12-98 by the Asstt. General Manager, who is lower in rank than the Managing Director (Appointing Authority) is just and legal? If not, what relief the concerned workman is entitled to and from which date”.

2. Case taken up the request of the learned counsel for the workman. Shri B. N. Sehgal, Learned counsel for the workman has made a statement to withdraw the present reference with liberty to raise fresh industrial dispute, if required. In view of the above, the present reference is returned to the Central Government as withdrawn with the liberty to raise fresh industrial dispute. If required. Central Government be informed. File be consigned.

Chandigarh.
23-11-09

G. K. SHARMA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 66.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबंध में नियोक्तों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 22/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-09 को प्राप्त हुआ था।

[सं. एल-41012/20/1995-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th December, 2009

S.O. 66.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/1996) of Central Government Industrial Tribunal-Cum-Labour Court No.-I, Chandigarh now as shown in the Annexure, in the Industrial Dispute between the management of Northern Railway and their workmen, received by the Central Government on 16-12-2009.

[No. L-41012/20/1995-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D. No. 22/1996

Shri Yogesh Kumar S/o Shri Kashmiri Lal, R/o H.No.
183-A, Lal Kurti, Ambala Cantt.-133001.

Applicant

Versus

The Asstt. Engineer, (Const.), Northern Railway,
Ambala Cantt.-133001.

Respondent

APPEARANCES

For the Workman : Sri R. P. Rana.

For the Management : Sri N. K. Zakhmi.

AWARD

Passed on 2-12-2009

Government of India *vide* notification No. L-41012/20/1995-IR (B), dated 23-2-96 referred the following industrial dispute under Section 10 of the Industrial Disputes Act, 1947 (the Act in short) for adjudication to this Tribunal :—

“Whether the action of the management of Northern Railway in terminating the services of Shri of Shri Yogesh Kumar, ex-casual labour is just, fair and legal? If not, what relief the concerned workman is entitled and from what date?”

I have gone through the pleadings of the parties. The main issue before the Tribunal for adjudication is whether the right of the workman to get the temporary status on account of his working as casual labour as handicapped person has no nexus with his right to appear in the competent examination for recruitment for the handicapped persons? The workman admitted that he was working as handicapped person from 10-11-82 in construction division of the railway department. On 17-11-86, he was send for medical examination, but the medical was not conducted by the doctor concern and he return back for duties. He was not allowed to resume duties on 20-11-86 which amounted to termination of his services. No notice was given before the termination of his services. No retrenchment compensation or other terminal dues were paid. He had completed 240 days of work in the preceding years from the date of his termination. He repeatedly requested for taking him back to the job but no heed was given to his request. He raised an industrial dispute and on account of failure of conciliation report, this reference.

The management of respondent contested the claim by filing written statement. Preliminary objections were raised that this reference as wrongly been referred by the Central Government. It has also been stated in the preliminary objection that this reference is liable to be dismissed on ground of delay and laches. Industrial dispute was raised almost after 10 years as per the contentions of the management. On merits, it was contended by the management that on 17-11-86 the workman was directed to go for the medical test. Neither he appeared before the Doctor for medical examination nor reported back for duties. He abandoned his services voluntarily and he is not entitled for any relief. It was further contended by the management that on his request he was given an opportunity for special drive handicapped persons for recruitment of class-III employees. He qualifies the written test but could not pass viva-voce. Thus, firstly the workman voluntarily abandoned his work and when he was given opportunity he could not qualify the test.

Parties were afforded the opportunity for adducing evidence. Documentary and oral evidence is on record. Both of the parties were heard at length. Learned counsel for the workman argued that in spite of repeated request the workman was not considered for temporary status. When he approached the Ministry, he was asked to appear for class-III employees in the (special drive) for handicapped persons. He pass the written test but could not qualify the viva-voce. It shows how sensitized management was for the cause of a handicapped person. Learned counsel for the management has contended that he abandoned the job of class-IV employees voluntary and when opportunity was given for class-III employees he could not qualify the test. The virus of the selection process is not in issue in this reference, hence, workman is not entitled for any relief.

From the persual of the entire materials on record, I am of the view that workman in this instant reference has three legal rights.

(1) Right to get the temporary status on account of his working as casual labour as handicapped person,

(2) His right to qualify and appointment for class-IV employees against handicapped quota,

(3) His right to appear in the special drive for class-III employees for handicapped persons.

In my view, all the three rights are independent and distinct to each other. The management has tried to prove the overlapping effect of these rights. The right of temporary status of the workman as handicapped casual labour as per the rules of the department has no nexus with another right to apply for special drive for the recruitment of class-III persons for handicapped persons. These are two independent and district rights and this reference has to be adjudicated as such.

The plea taken by the management of railway department is that he was afforded the opportunity for appearing in class-III examination conducted by railway department against handicapped quota to which he could not qualify. The management cannot be allowed to suppress the right of the workman to get the temporary status on his continuous working with the department as per the circular letter of the management dated 23-9-86.

Thus, the issue for adjudication before the Tribunal is whether the right of the workman to get temporary status *vide* circular letter No. 23-9-86 was violated and denied by the management. While adjudicating this issue, at the cost of repetition, it is not open for this Tribunal to consider fruther opportunities given to the workman for his appointment against handicapped quota. It is not disputed that working with the management as handicapped person *w.e.f.* 11-11-82. It is not disputed that benefit of circular letter dated 23-9-86 was not attributed to the workman. Rather by conduct of the management, it is prove that the benefit of the circular letter dated 23-9-86 was to be given to workman. In compliance of this circular letter, workman was asked to appear before the medical board on 17-11-86. The medical examination was not conducted. Both of the parties have not adduced any evidence, why the medical examination was not conducted? It is the contention of the management that after 17-11-86 the workman did not turn up to the management and he voluntarily surrendered his services, whereas, the documents on record proved that steps for granting temporary status were taken by the management even after 17-11-86. There is a letter dated 2-6-87 regarding granting of temporary status to Shri Yogesh Kumar written by Assistant Engineer to the Chief Engineer. In this letter which is Ex. W-7, it was requested by Assistant Engineer to accord approval for engagement of Shri Yogesh Kumar in handicapped quota. Photocopy of handicapped certificates issued by C.M.O., Ambala Cantt. was also enclosed along with the letter. It prove that the matter relating to granting of temporary status on the request of the workman was referred to the Chief Engineer along with handicapped certificate issued by C.M.O., Ambala City. In the circular letter dated 23-9-86, it was directed by the Chief Engineer that casual labourers who are under reference (handicapped) to this office for granting of temporary status should be given temporary status from the date they were due and in future such cases need not be referred to this office. It shows that even after delegation of powers by Chief Engineer to the authority concern the reference of Shri Yogesh Kumar regarding granting him the temporary status was referred to Chief Engineer. It was the violation of circular letter issued by Chief Engineer on 23-9-86. It is also against the contention of the management that after 17-11-86 the workman voluntarily abandoned his services and do not visited the office. It is not reliable and acceptable because on request of the workman the management continuously acted for granting temporary

status to the workman. The contention of the management that the workman did not appear for medical examination is not tenable because *vide* letter dated 2-6-87 the handicapped certificate issued to the workman by C.M.O., Ambala City was referred to the Chief Engineer for approval.

It means every thing for granting the temporary status of the workman was in order but subject to approval of Chief Engineer. It is the intention of the letter dated 2-6-87, Ex. W-7. But as per Ex. W-2 which is the circular letter dated 23-9-86 issued by the Chief Engineer for granting temporary status to the handicapped casual labourers such approval was not required. The correspondence in between the Assistant Engineer who was competent for granting temporary status and the Chief Engineer proves that workman was eligible for granting temporary status, but reasons known to the management it was denied. At the cost of the repetition the letter Ex. W-7, makes it clear that just after approval of the Chief Engineer, workman Shri Yogesh Kumar was to be granted temporary status, whereas, no approval was required *vide* Ex. W-2.

Thus, for all purposes, as per the documents filed by the workman and not denied by the management the right of the workman to get temporary status *vide* circular letter dated 23-9-86 was not only acted upon but was accepted by the management.

For above reasons, I am of the view that right of the workman to get the temporary status was violated without any authority of law. It was the illegal act of the management to refuse the temporary status to the workman and the violation of the right of the workman to get the temporary status has been tried to be justified with the claim of the abandonment of the services and unable to qualify the test for Class-III reserve for handicapped persons. Neither the workman abandoned the job nor his appearance to the examination of class-III employees reserve for handicapped persons has any nexus with his right to get the temporary status. On the basis of the circular letter dated 23-9-86 for all purposes the workman is entitle for his reinstatement into the services with granting of temporary status from the date the assistant engineer right for granting him temporary status for the approval of the Chief Engineer which is dated 2-6-87. Thus, Shri Yogesh Kumar is entitled for all the back wages and protection of his seniority. The management is directed to reinstate the services of the workman along with granting of temporary status w.e.f. 2-6-87 and also to give other benefits which were linked with the temporary status as if he would have been granted the temporary status on 2-7-87 within one month from the date of publication of his award. Let Central Government be informed, and thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 67.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1203/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-2009 को प्राप्त हुआ था।

[सं. एल-12012/6/2005-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th December, 2009

S.O. 67.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1203/2005) of Central Government Industrial Tribunal-Cum-Labour Court-I, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 16-12-2009.

[No. L-12012/6/2005-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I. D. No. 1203/2005

Shri Bashier Ahmed Shah, S/o Sh. Shumnag, Khumnag Kupwara, C/o Ikhlas Medical Agencies, Bye Pass Road, Kupwara, Kashmir.

Applicant

VERSUS

The Assistant General Manager, State Bank of India, 122-A/D, Gandhinagar, (J & K), Jammu-180004.

Respondent

APPEARANCES

For the workman : Workman in person

For the Management : None

AWARD

Passed on 2-12-2009

Government of India *vide* notification No. L-12012/6/2005/IR (B-I), dated 5-9-2005, referred the following industrial dispute under Section 10 of the Industrial Disputes Act, 1947 (the Act in short) for adjudication to this Tribunal :-

“Whether the action of the management of State Bank of India represented through Asstt. General Manager, SBI Region-I, MA Road, Srinagar in imposing the penalty of removing from the services of Shri B.A. Shah, Assistant w.e.f. 10-4-2002 is fair, legal and justified? If not, what relief the workman is entitled to and from which date ?”

After receiving the reference, parties were informed. Parties appeared and filed their respective pleadings.

The facts of the case in nut-shell are that the workman was charge sheeted by the management for his so-called misappropriation of certain funds of the bank. The charges which were on six counts and are as follows :—

1. On 8-10-98 you received Rs. 5030 from Hav/clk J.S. Thakur for issue of draft but entered only Rs. 5000 in Bank's receipt scroll. On receipt of complaint from depositor Rs. 30 were refunded to complainant by debit to you're a/c and debit was confirmed by you.
2. You received Rs. 81,400 on 29-9-98 tendered by 22 Bn, Sikh Regt. But deposited this amount only on 5-10-1998. The amount has been appropriated in Bank's books with delay, which amounts to misappropriation of funds. Copy of receipt voucher, complaint of OC 22 Sikh Regt. Are submitted in evidence.
3. As receipt cashier you received Rs. 1,31,000 on 5-10-1978 tendered by 268 Inf. Bde. For credit to their CSD a/c but deposited this amount into Bank only on 9-10-1998 with delay of 5 days which amount to misappropriation of Bank's funds. Copy of cash-receipt counterfoil dated 5-10-1998 and complaint of account holder is submitted in evidence.
4. You received Rs. 50,000 on 6-7-98 at receipt counter tendered by Baramulla Central Co-op Bank Ltd. Branch Trehgam for credit to their current account with our Branch. You made a fictitious entry in their pass book, authenticated it and misappropriated the money up to 7-9-98. When you deposited this money with Bank. Copy of counterfoil of receipt and the receipt voucher showing alteration in date is submitted in evidence together with customer's passbook.
5. You made fictitious entries in C/A passbook of a/c 37012 of Central Co-op. Bank to manipulate the balance and struck fictitious balance to pay their cheques, posting and authenticating them yourself.

6. While balancing C/A ledger holding a/c 37012 on 17-8-98 you manipulated the balance in this account to adjust different of Rs. 50,000/- misappropriated by you from 6-7-98 to 7-9-98. Fictitious total were shown in balance book.

After conducting the departmental enquiry, enquiry officer submitted the report proving all the charges against the workman. The disciplinary authority after affording the opportunity of being heard, on the basis of the enquiry report awarded the punishment of removing the workman from the services. The workman raised an industrial dispute and on account of failure of conciliation report, this reference.

Both of the parties were afforded the opportunity for adducing evidence. Both of the parties have also filed their respective affidavits and the person concern who filed the affidavits were cross-examined by learned counsel for opposite party.

I have heard the parties at length and perused entire materials on record.

The workman has challenged his dismissal on the ground of violation of the principle of natural justice. As per the contention of the workman proper opportunity at the time of conducting the enquiry was not afforded by the enquiry officer. It is also the contention of the workman in his petition of claim that he was seriously ill and was given the charge of two offices at a time. There was no lapse in his official duties on his part. The reply to the charge sheet was not considered properly and without applying brain the enquiry officer has submitted the enquiry report and disciplinary authority has awarded the punishment. In his lengthy statement of claim he has challenged every proceeding before enquiry officer on the ground of violation of principle of natural justice.

The management contested the claim of the petitioner by filing written statement and denied the allegations of the workman. It is submitted by the management that proper and adequate opportunity of being heard was given to him by enquiry officer and by disciplinary authority.

On the basis of the pleadings and evidence of the parties, in my view the main issues for adjudication before this Tribunal are :—

- (1) Whether the enquiry was conducted properly as per the rules of the department by the enquiry officer ?
- (2) Whether there has been any violation of the principle of natural justice while conducting the enquiry by the enquiry officer and disciplinary proceedings by the disciplinary authority ?
- (3) Whether enquiry officer has rightly reached to the conclusion on all the charges allegedly to be prove against the workman ?

(4) Relief, if any.

Parties were heard at length on all the issues. I have perused all the materials on record.

I am answering all the issues one by one.

On issue No. 1 & 2, I am unable to trace out any material evidence to prove that any opportunity was denied to the workman while conducting the enquiry. Dissatisfaction on reply is prerogative of the management of the bank. The principle of natural justice requires that opportunity rather than fair opportunity was afforded to the workman. On chargesheet opportunity was afforded and the same was availed by the workman. Thus, it may be open to the workman to challenge the decision making on perversity, if any, on the part of the enquiry officer, even if, the enquiry has been conducted in a fair and proper manner.

All the enquiry proceedings are before this Tribunal. I have perused the entire enquiry proceedings. On first three dates of the enquiry, the enquiry was adjourned on request of the workman to engage a defence representative. Defence representative was engaged and he was afforded proper opportunity to participate in enquiry proceedings. There are certain enquiry proceedings which show that the workman and his defence representative absented without information. Enquiry officer was kind enough to adjourn the date *suo motu*. Enquiry was conducted in presence of the workman and his defence representative. During enquiry it was conceded by the defence representative of the workman that on the basis of materials on record, enquiry has to be conducted. During enquiry the workman has not denied the charges but he has contended that his act does not amount to misappropriation of funds. The copy of all the documents were supplied to the workman and the genuineness of the documents were not disputed. If the enquiry officer without recording the evidence of any person, whatsoever he may be, has given the finding, in my view he has not committed any illegality or irregularity. Evidence includes both oral and documentary. If the documentary evidence is sufficient to prove any charge, it is not mandatory for the enquiry officer to record the evidence of witness. At the cost of repetition, the genuineness of the document has nowhere been challenged by the enquiry officer. During the departmental proceedings before this Tribunal genuineness of the documentary evidence is not under challenged.

The summary of above discussion is that workman was chargesheeted, he was afforded the opportunity to reply, he replied the chargesheet, he was provided with the copies of all the documents filed with and relied upon by the management. He was also afforded every possible opportunity for hearing during enquiry proceedings. Opportunity for cross-examination of witness of bank was given to him. The workman has also adduced the evidence in defence on the basis of the opportunity given by the enquiry officer.

After enquiry the enquiry officer submitted the report to the disciplinary authority. A show-cause notice was issued by the disciplinary authority to the workman. The same was also replied by the workman. There is a difference in the proceedings before the Civil Court and departmental proceedings and the proceedings before the Administrative Tribunals. Provisions of Indian Evidence Act, are not applicable in departmental proceedings and proceedings before the Administrative Tribunals. The enquiry officer is at liberty to adopt any procedure given in Bipartite Settlement but he is suppose to give a fair and reasonable opportunity of being heard to the workman. On perusal of the proceedings, it is clear that all reasonable and possible opportunity was given by the enquiry officer to the workman. Thus, the enquiry was conducted in a fair and proper manner and in my view there has been no violation of any rules of principles of natural justice by the enquiry officer while conducting the enquiry and by disciplinary authority while conducting the disciplinary proceedings.

On issue No. 3, I am of the view that there was sufficient material before the enquiry officer to give the report on all the charges being well proved. All the documents were available to the enquiry officer which are part of enquiry proceedings. Documents were properly proved, marked exhibits and the genuineness of the documents was never challenged.

It is the settled law of service jurisprudence that any evidence which has credibility and nexus between the act done by the workman and the charge framed against him can be taken into consideration. Enquiry officer on the basis of the documents has rightly held the charge No. 1 proved against the workman because as admitted to the workman he has deposited Rs. 30/- out of his Saving Bank Account to make the balance good. It is well proved that workman received Rs. 5,030 on 08-10-98 for issuing of bank drafts but only entered Rs. 5000/- misappropriate an amount of Rs. 30 which was made good afterwards. Likewise, on charge No. 2 the documents which are before this Tribunal proved that he received Rs. 81,400 on 29-09-98 from 22 Bat. Sikh Regt., for credit to their account No. 5920 but the amount was deposited in their account on 05-10-98. The folio receipt which was provided to the person of 22 Bat. Sikh Regt., bears the date 29-09-98, whereas, the other folio of the receipt which was the receipt of the bank contains some cuttings and corrections in dates. The only explanation given before the enquiry officer was that it cannot be said to misappropriation of funds. It was the contention of the defence representative that misappropriation only means whenever the money is being taken away from the bank. The money was deposited by the workman. So, it does not amount to misappropriation. In my view, it is the temporary embezzlement of the amount which is also a misappropriation. The documents on record proved that amount was paid to the workman on 29-9-98, whereas, it was deposited in appropriate account on 05-10-98.

It was contended on charge no. 3 that the amount of Rs. 1,31,000 was received on 05-10-98 and the same was deposited in the concern account on 09-10-98. The documents also proved that it was also done in the same way as was done with reference to charge no. 2. Documents on record proved beyond doubt that amount was embezzled temporarily. The charge no. 4, 5 and 6 are related to one transaction. The workman received Rs. 50,000 from Baramula Central Corporative Bank, Ltd., Thregam on 06-07-1998 for credit to their current A/c. No. 37012. The entry was authenticated in the pass book of the customer but the amount was not deposited. The amount was deposited on 07-09-98 and the same was misappropriated from 06-07-98 to 06-09-98. The charge no. 5 and 6 are relating to the fictitious entries in current A/c no. 37012 just to manipulate the shortfall of Rs. 50,000. All these charges are well proved on the basis of the documentary evidence on record. The enquiry officer has by reason mentioned are being proved against the workman.

The only contention of the workman on charge no. 4, 5 and 6 has been that he has suffered with a serious disease and mentally upset. The representative of the Cooperative Bank wrongly managed the entry by him in the pass book, whereas, the amount was deposited on the date workman received. The arguments of the workman is not acceptable because he made the entry in the pass book of the customer is not disputed. The dispute is on what date he made the entry? In ordinary course of nature the date entered by the person who is making the entry shall be considered correct unless not otherwise proved. Moreover, there are number of misconduct said to be committed by the workman in series in the same way. There is no evidence on record to prove that the entry in the pass book of the customer was made wrongly.

Accordingly on all the six charges, the enquiry officer has rightly given the report after conducting the fair enquiry proving all the charges against the workman.

The disciplinary authority after afforded the proper opportunity of being heard awarded the punishment to the workman. In my view, the punishment awarded is proportionate to the misconduct and, I feel no necessity for any interference in enquiry report and the punishment awarded by the disciplinary authority. The reference is accordingly answered. Let Central Government be approached for publication of award and, thereafter, file be consigned to record room.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2009

का.आ. 68.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण-1, चेन्नई के पंचाट (संदर्भ संख्या 19/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-2009 को प्राप्त हुआ था।

[सं. एल-41011/28/1995-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th December, 2009

S.O. 68.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2003) of Central Government Industrial Tribunal-cum-Labour Court-1, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Southern Railway and their workmen, received by the Central Government on 16-12-2009.

[No. L-41011/28/1995-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 30th November, 2009

Present : A. N. Janardanan, Presiding Officer

Industrial Dispute No. 19/2003

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Southern Railway and their Workman)

BETWEEN

S/Shri R. Palani & OthersI Party/Petitioner
C/o. Shri M. Vijayan,
Chinna Kambiyampet,
Reddiyur Post,
Jolarpet,
Vellore District
Vs.

The Sr. Divisional PersonnelII Party/Management
Officer, Southern Railway,
Madras

APPEARANCE

For the Petitioner : Sri A. Mohammad Ali

For the Management : M/s. S. Jayaraman, H. Balaji

AWARD

The Central Government, Ministry of Labour vide its Order No. L-41011/28/1995-IR (B-I), dated 3-12-2002,

referred the following industrial dispute to this Tribunal for adjudication :—

The schedule mentioned in that order is :

“Whether the termination of S/Shri R. Palani, A. R. Anandan, S. Selvam, C. Muthu, M. Vijayan, G. Ganesan, S. Kasinathan, G. Kuppusamy, S. R. Palani, Devaraj and A. Ravikumar, ex-goods shed porters, Jolarpet who were in continuous employment for 17 years by the management of Southern Railway, Madras with effect from 24-4-1994 in violation of Section-25F of I. D. Act, 1947 is just proper and legal ? If not, to what relief the workmen entitled to ?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 19/2003 and issued notices to both sides. Both sides entered appearance. The petitioner and the Respondent did not file the Claim and Counter Statement initially as required.

3. The same ID was once disposed by my learned predecessor as per award dated 1-4-2003. The said award was of ex-parte nature in the absence of any Claim Statement filed by the petitioners or by the Union. However, the award passed was on merits on the available materials under which it was held that the Respondent Southern Railway has not acted illegally in respect of the concerned workmen in violation of Section-25 of the ID Act and that they are not entitled to any relief.

4. Aggrieved against the said award in the Writ Petition No. 30547/2005 before the Hon'ble High Court of Madras as per the order dated 7-1-2009, the impugned award was set aside and the ID was restored to file with the direction to dispose of the same on merits after affording opportunity to both parties and proceed with the matter afresh and dispose of the same.

5. As per the above direction of the Hon'ble High Court of Madras, the ID was restored to file and again notices were sent to both the parties pursuant to which both sides entered appearance through their respective counsel and filed their Claim and Counter Statement as the case may be.

6. The case in the Claim Statement briefly reads as follows :

Six petitioners to whom the reference is related were Gate Shed Porters at Jolarpet working for more than a decade viz. R. Palani, S. Selvam, M. Vijayan, G. Ganesan, G. Kuppuswamy and G. Devaraj on daily rated basis on all days with no weekly off. With a demand from them for regularization, the Respondent started paying them on pieceterated basis. Their services were terminated on 24-4-1994 not following Section-25F of the ID Act. Their work was perennial and in sanctioned post which was of the nature of

loading and unloading from goods train to another. Their counterpart juniors are still working. The action of the Railway is unfair labour practice. They have completed 240 days in 24 calendar months. The termination is void abinitio. Some of the petitioners were given job once a week till 1998. The petitioners were without employment ever since termination. 10 employees viz. Manoharan, Ramamurthy, Anjee, Selvam, Malar, Kesavan, Ravi, M. Ravi, Balasubramani, Giri have been regularized in service. Action of the Railway is arbitrary and discriminative apart from being victimization. Reference may be answered in favour of the petitioner.

7. The contentions in the Counter Statement briefly read as follows :

The petitioners are not Railway employees. They are only piece rate labourers engaged during exigencies of work. There is no master-servant relationship between the Respondent and the petitioners. Their similar claim before Central Administrative Tribunal, Chennai was dismissed and the present claim is barred by resjudicata. They had not appointed even as Casual Labourers in Railways. The petitioners were not appointed by Railway Recruitment Board. Since they were not appointed, they were also not terminated. The claim petitions filed by them before Central Government Labour Court, Madras in 1986 and 1987 itself show that they were not in Railway Service even then. The said claims were also dismissed. There is no document to show that they are permanent employees or even to prove that they worked for 240 days. The claim is after a long delay without explanation for the same. The ID may be dismissed.

8. Points for consideration are :

- (i) Whether the termination of petitioners in violation of Section-25F of ID Act is just, proper and legal ?
- (ii) To what relief the concerned workmen are entitled ?

9. Evidence in this ID consists of the Proof Affidavit of WW1, Palani in lieu of Chief Examination who does not stand cross-examined and Ex. W1 to Ex. W6 are marked on the side of the petitioners. There was no representation for the Respondent and petitioner does not stand cross-examined.

Point No. 1 & 2

10. According to the petitioners, they have been retrenched from service in violation of Section-25F of the ID Act, Section 25 F of the ID Act. is attracted only when a workman with a continuous service for not less than 1 year is retrenched by the employer in which case the

workman shall be given one month's notice in writing or wages in lieu of notice, etc. In this case, even from the averments in the Claim Statement of the petitioner what appears is that have completed 240 days in 24 calendar months. In order to constitute a period of continuous service, the requirement is that the persons claiming to be workmen have to complete 240 days in 12 calendar months and not in 24 calendar months. Even on this single point the petitioners are bound to fail and they are not entitled to any protection under Section-25F of the ID Act. Therefore, it is only to be held that the so-called termination of the petitioners is not in violation of Section-25F of the ID Act. It is also not assailable as unjust, improper or illegal. The points are answered accordingly and the petitioners are not entitled to any relief.

11. The reference is answered accordingly.

(Dictated to the P. A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th November, 2009)

A. N. JANARDANAN, Presiding Officer

Witness Examined :

For the I Party/Petitioner : None

For the II Party/Management : None

Documents Marked :

From the Petitioner's side

Ext. No.	Date	Description
Ex. W1	18-7-1994	Order OA 835 to 845 of 1992
Ex. W2	20-9-2002	Order in WP 14595 of 1995
Ex. W3	3-12-2002	Order of Reference
Ex. W4	-	Casual Labour Service Card of the Petitioners
Ex. W5	-	Identity Cards of the petitioners
Ex. W6	-	Emergency duty pass of the petitioners

From the Management side :

Ex. No.	Date	Description
		None